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THE STATE OF OHIO

LEGISLATIVE ACTS

PASSED

AND

JOINT RESOLUTIONS

Adopted

BY THE

EIGHTIETH GENERAL ASSEMBLY

At Its Regular Session

WHICH BEGAN JANUARY 6, 1913.

VOLUME CIII

Springfield, Ohio:
The Springfield Publishing Company,
State Printers.
1913.

GENERAL LAWS

[House Bill No. 69.]

AN ACT

To provide for registration of persons employed to advocate or oppose legislative measures, and to regulate the method of such advocacy or opposition.

Be it enacted by the General Assembly of the State of Ohio:

Section 6256-1. SECTION 1. Any person, firm, corporation, or association, or any officer or employe of a corporation or association acting for or on behalf of such corporation or association, who or which directly or indirectly employs any person or persons, firm, corporation or association to promote, advocate, amend or oppose in any manner any matter pending or that might legally come before the general assembly or either house thereof, or a committee of the general assembly or of either house thereof, shall within one week from the date of such employment furnish in a signed statement to the secretary of state the following information, to-wit:

Statement of information for registration by a person, firm or corporation who employs any person, etc., to advocate or oppose legislative measures.

1. If an individual, his full name, place of residence, and place of business.

2. If a firm, its correct firm name, place of business, and the full name and place of residence of each partner.

3. If a corporation or association, its full name, the location of its principal place of business, whether a corporation or voluntary association, whether a domestic or foreign corporation, and the names and the places of residence of each of its officers.

4. The nature and kind of his, their, or its business, occupation or employment.

5. The full name, place of residence and occupation of each person, firm, corporation or association so employed, together with the full period of employment.

6. The exact subject-matter pending or that might legally come before the general assembly or either house thereof or before any committee thereof with respect to which such person, firm, corporation or association is so employed.

7. When any change, modification or addition to such employment or the subject-matter of the employment is made, the employer shall within one week of such change, modification or addition furnish in writing full information regarding the same to the secretary of state.

The secretary of state shall immediately enter all such information, appropriately indexed so as to show all em-

Registration book required to be kept and open for public inspection.

Certificate issued upon payment of fee.

New certificate required and issued, when.

Certificate prima facie evidence of employment.

Act does not apply to newspapers, journals, etc.

ployers, employes and the subject-matter of such employment, in a separate book to be kept for that purpose in the office of the secretary of state, which book at all times shall be open to public inspection. Upon the payment of the fee hereinafter provided for, the secretary of state shall issue to each person or to the representative of any firm, corporation or association, so employed, a certificate showing the name of the person to whom the certificate is issued, the name or names of his employers, the particular matter in respect to which such person is so employed, and the duration of the employment. A new certificate shall be required and issued upon any change, modification or addition being made to such employment. Such certificate shall be prima facie evidence during the period of the employment therein recited, but not to exceed two years, of compliance with this section by the employer and employe named in said certificate. Provided, that nothing in this section shall apply to a bona fide newspaper, journal or magazine, or a bona fide news bureau or association which in turn furnishes such information solely to bona fide newspapers, journals or magazines, in employing correspondents to furnish information or news for publication only.

Section 6256-2.

No person receiving compensation therefor, shall be allowed to appear before any committee, without having first obtained a certificate.

SECTION 2. No person who has received, or who has been promised, or who expects to receive, directly or indirectly, any compensation therefor shall appear before any committee of the general assembly or either house thereof, or promote, advocate, oppose or seek to have amended in any manner any matter pending or that might legally come before the general assembly or either house thereof, or before a committee of the general assembly, or of either house thereof, unless he shall have first received from the secretary of state a certificate showing that the name of such person has been furnished to the secretary of state in conformity with the law with respect to the particular matter in hand. Nothing herein contained shall apply to or interfere with the furnishing of information or news to any bona fide newspaper, journal or magazine for publication, or to any news bureau or association which in turn furnishes the said information or news only to bona fide newspapers, journals or magazines for publication. Nothing herein contained shall apply to any person who appears in response to a written invitation from the general assembly or either house thereof, or appears in response to a written invitation from any duly appointed committee of such general assembly or either house thereof.

Exceptions.

Section 6256-3.

No person shall be employed respecting any matter pending, dependent upon a contingency for compensation.

SECTION 3. No person, firm, corporation or association shall be employed with respect to any matter pending or that might legally come before the general assembly or either house thereof, or before a committee of the general assembly or either house thereof for a compensation dependent in any manner upon the passage, defeat, or amendment of any such matter, or upon any other contingency whatever in connection therewith.

Section 6256-4. SECTION 4. Within thirty days after the final adjournment of any session of the general assembly every person, firm, corporation or association that has employed any person, firm, corporation or association, or has paid or expended or promised to pay or expend any money or other thing of value in relation to any matter that was pending or that might legally have come before such session of the general assembly or either house thereof, or a committee of the general assembly or either house thereof, shall file with the secretary of state an itemized statement, verified by the oath of such person, or, if a firm, by member thereof, or, if a corporation or association, by an officer thereof, showing in detail all expenses paid, incurred or promised, directly or indirectly, in connection with any matter that was pending or that might legally have come before the general assembly or either house thereof, or a committee of the general assembly or either house thereof during such previous session, with the names of the payees and the amounts paid to each, including all disbursements made, incurred or promised to any person, firm, corporation or association; and also specifying the nature of the matter that was pending or that might legally have come before the general assembly or either house thereof, and the interest of the person, firm, corporation or association therein. Every person who receives, either individually or as an officer, agent, employe, or counsel, any money or thing of value to be expended or used by him in relation to any matter pending or that might legally come before the general assembly or either house thereof, or a committee of the general assembly or either house thereof at any session of the general assembly, shall within thirty days after the final adjournment of such session of the general assembly file with the secretary of state an itemized statement, verified by the oath of such person, showing in detail all the money or other thing of value so received or expended by him, and all liabilities directly or indirectly incurred by him in connection with such matter. Such statement shall contain the full name and address of the person making the same, and the names and addresses of each person, firm, committee, corporation or association to whom any money or thing of value was paid or promised, whether directly or indirectly, the purpose for which, the place where, and the date when each item of money or other thing of value was paid or promised by such person, and the balance in hand of such accounting person and the disposition to be made thereof.

Itemized statement of amounts paid employes required to be filed.

Itemized statement by employes showing amounts of expenditure required to be filed.

ection 6256-5. SECTION 5. The provisions of this act shall not be construed as affecting professional services in drafting bills, preparing arguments thereon, or in advising clients and rendering opinions as to the construction and the effect of proposed or pending legislation where such professional services are not otherwise connected with legislative action.

Services to which act does not apply.

ection 6256-6. SECTION 6. Any person who violates any of the provisions of this act, whether acting either individually or

as an officer, agent, employe or counsel of a person, firm, corporation or association, or any person, whether acting individually, as an officer, employe, agent or counsel of a firm, corporation or association, who causes or participates in any violation of the provisions of this act, shall upon conviction be fined not less than two hundred dollars nor more than five thousand dollars or be imprisoned in the penitentiary for a term of not less than one year nor more than two years, or both. Any association or corporation which violates, or causes or participates in any violation of any of the provisions of this act shall for each offense be fined not less than two hundred dollars nor more than five thousand dollars. The prosecution of one or more of the officers or employes of such corporation or association shall not be a bar to the prosecution and conviction of the corporation or association for such offense.

Penalty for violation of any provisions of act.

Prosecution of officer, etc., no bar.

Section 6256-7.

Attorney General or assistant may appear for state.

SECTION 7. In any prosecution under this act, the attorney-general or any of his assistants designated by him, may appear on behalf of the state before any grand jury or petit jury in any county of the state.

Section 6256-8.

Fee to be paid to Secretary of State.

SECTION 8. The secretary of state shall charge and collect, and be entitled to receive from the employer the sum of three dollars for each certificate necessary under the provisions of this act. The secretary of state shall neither receive nor file any such statement or issue any such certificate unless the fee herein prescribed has been paid.

Emergency act.

SECTION 9. This act is hereby declared to be an emergency act, and that its enactment is necessary for the immediate preservation of public safety. The necessity therefor lies in the fact that the public welfare and safety requires that the deliberations of the present general assembly shall be free from intervention and its members, in the performance of their duties, protected from the solicitations by persons representing interests that are undisclosed and principals who are unknown.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Jan'y 23rd, 1913.
Approved Jan'y 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State January 25th, 1913. 1 G.

[House Bill No. 89.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated:

AUDITOR OF STATE.

Contingent expenses	$300 00

CHIEF INSPECTOR OF MINES.

Salary of extra clerk	$150 00

JUDICIARY.

Salaries of judges	$50,000 00	Sundry appropriations.

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Prosecution and transportation of convicts to Ohio penitentiary, Ohio state reformatory and boys committed to boys' industrial school	$10,000 00

OHIO STATE BOARD OF AGRICULTURE.

Salary of secretary	$1,000 00

LEGISLATURE.

Contingent expenses of the senate	$2,000 00

STATE NORMAL SCHOOL.

Expenses board of trustees Bowling Green Normal School	$1,000 00
Maintenance and salaries Kent Normal School	1,000 00

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed Jan. 23d, 1913.
Approved Jan. 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State January 25th, 1913. 2 G.

AN ACT

[House Bill No. 173.]

To create legislative reference department, to provide for the maintenance and administration of the said department, for the appointment of a chief thereof, and to repeal sections 798-1 to 798-5 of the General Code of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 798-1.

Establishment of "Legislative Reference Department."

SECTION 1. There is hereby created and shall hereafter be maintained a department to be known as the "Legislative Reference Department," for the use and information especially of the members of the general assembly, the officers of the several state departments and the public. The department shall be under the direction and supervision of the state board of library commissioners who shall provide suitable quarters in the state capitol for said department.

Section 798-2.

Employment of director.

Removal.

Rules.

SECTION 2. The state board of library commissioners shall employ a director and fix his compensation. He shall have charge of such department and shall be an expert in political science, economics and public law. The salary and appointment of the director shall be approved by the governor and the director shall be removed by the board only for misconduct, incompetency or disability. Upon the recommendation of the director such board shall make rules for the direction of the department and its service as it deems necessary.

Section 798-3.

Duties of director.

SECTION 3. It shall be the duty of the director to collect and compare the laws of this and other states pertaining to any subject upon which he may be requested to report by the governor or any committee or member of the general assembly; to collect all available information relating to any matter which shall be the subject of proposed legislation by the general assembly; to prepare or advise in the preparation of any bill or resolution when requested to do so by the governor or by any member of the general assembly; to preserve and collate all information obtained and carefully index and arrange the same so that it may be at all times easily accessible to the members of the general assembly, other state officials and to the general public for reference purposes; to collect such books, pamphlets, periodicals, documents and other literature as may be of use to the general assembly or other state officials, and to keep the same on file in the quarters of the department, temporarily or permanently, according to the time for which such literature may be needed. It shall further be the duty of the director to collect, compile, classify and index the documents of the state, including senate and house journals, executive and legislative documents and departmental reports of this and other states; to keep on file all bills and resolutions printed by order of either house of the general assembly; to accumulate data and statistics re-

garding the practical operation and effect of statutes of this and other states.

Section 798-4. Employment of assistants and other help.

SECTION 4. Subject to the approval of the board, the director may employ and fix the compensation of such assistants, draftsmen and clerical help as may be necessary to effect the purpose of this act and to incur necessary and incidental expenses in the conduct of the department, which expense may include costs of traveling of the director or assistants. The compensation of the director and employes and such expenses shall be paid out of the state treasury upon the warrant of the auditor of state upon vouchers approved by the director of the department and paid out of the appropriations made. All vouchers for expenses shall be itemized and sworn to by the director.

Compensation, how paid.

Section 798-5. Arrangements with other departments for use of books, documents, etc.

SECTION 5. The director of the legislative reference department shall arrange with the proper officials of the Ohio State University, the Ohio State Archæological and Historical Society, the Supreme Court Law Library, and the Ohio State Library, for the use of general books and references in their custody, and the proper officials of the Ohio State University, the Ohio State Archæological and Historical Society and the Ohio State Library are hereby directed to lend to the Legislative Reference Department for the use of said department such books and documents as he may require. The director is also authorized to give or lend to the proper officials of the Ohio State University, the Ohio State Archæological and Historical Society and the Ohio State Library any books and documents, as may not be required by him.

Section 798-6. Delivery of copies of bills, etc., by clerks of senate and house at close of session.

SECTION 6. At the close of each session of the general assembly the clerk of the senate and the clerk of the house shall deliver to the director copies of all bills, joint resolutions, important petitions, memorials, and other legislative documents passed or presented during such session of the legislature.

Section 798-7. Expenditures for books and documents.

SECTION 7. The state board of library commissioners is authorized to make necessary expenditures out of the appropriations made, to obtain the books and documents necessary to establish an effective Legislative Reference Department, including statistics and other information, upon the recommendation of the director.

Section 798-8. Appropriation.

SECTION 8. There is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, for the purpose of estabishing and maintaining said Legislative Reference Department, the payment of all expenses therein incurred, including the salaries of the chief of the said department and all assistants and employes therein, the sum of ten thousand dollars ($10,000), and such further sums as the general assembly shall from time to time determine.

SECTION 9. That sections 798-1, 798-2, 798-3, 798-4, and 798-5 of the General Code of Ohio be and the same are hereby repealed.

Emergency act.

The sectional numbers on the margin hereof are designated as required by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 10. This act is hereby declared to be an emergency act and that its enactment is necessary for the immediate preservation of the public safety and peace. The necessity therefor lies in the fact that the public safety, peace and welfare require that the present general assembly during its deliberations shall have information on all the matters pending therein.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed January 30th, 1913.
Approved January 31st, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 4th, 1913. 3 G.

[House Bill No. 73.]

AN ACT

To amend section 1500 of the General Code, relating to the appointment of the clerk of the supreme court by said court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1500 of the General Code be amended to read as follows:

Section 1500.

Appointment of clerk of supreme court.

Sec. 1500. The supreme court shall appoint a clerk of said court, who shall hold his office until removed by such court. The term of the clerk first appointed hereunder shall commence on the first Monday in February A. D., 1915. Any person elected clerk of the supreme court prior to the enactment of this amendment shall hold said office for the full term for which he was elected and until his successor is appointed and has duly qualified.

SECTION 2. That said original section 1500 of the General Code be, and the same is hereby, repealed.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 4th, 1913.
Approved February 10th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 11th, 1913. 4 G.

AN ACT

[Senate Bill No. 8.]

To amend sections 11455, 11456 and 11457 of the General Code, relative to verdicts in the common pleas court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 11455, 11456 and 11457 of the General Code be and the same are hereby amended to read as follows:

Verdict rendered on concurrence of three-fourths of jury.

Sec. 11455. In all civil actions a jury shall render a verdict upon the concurrence of three-fourths or more of their number. The verdict shall be in writing and signed by each of such jurors concurring therein, and they must then be conducted into court, where their names shall be called by the clerk, and the verdict handed to the clerk by the foreman. The clerk must then read the verdict to the jury and make inquiry if it is the verdict of three-fourths or more of their number.

Poll of jury may be required.

Further deliberation.

Sec. 11456. Either party may require the jury to be polled, which shall be done by the clerk or court, asking each juror if it is his verdict. If on polling the jury more than one-fourth of the jury answer in the negative, or if the verdict in substance is defective, the jury must be sent out again for further deliberation.

How defective verdict corrected

Sec. 11457. If the disagreement of more than one-fourth of the jury be not expressed and neither party requires the jury to be polled, or on the polling three-fourths or more of the jury answer affirmatively, the verdict is complete and the jury shall be discharged from the case. But when the verdict is defective in form only, with the assent of the jurors and before their discharge the court may correct it.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 11455, 11456 and 11457 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 6th, 1913.
Approved February 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 13th, 1913.

5 G.

[Senate Bill No. 71.]

AN ACT

To amend section 1579-19 of the General Code of the state of Ohio, relative to verdicts in the municipal court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1579-19 of the General Code of the State of Ohio be, and the same is hereby amended so as to read as follows:

Sec. 1579-19. All causes in the municipal court shall be tried to the court unless, before the court shall proceed to inquire into the merits of the cause, a jury shall be demanded by either party to the action. In all civil actions, where a jury is demanded, it shall be composed of six lawful men, having qualifications of electors, unless the parties agree on a less number. Provided, however, that any party may demand a jury of twelve men. In all actions and proceedings of which police courts in cities have or may be given jurisdiction, where a jury may be and is demanded, it shall be composed of twelve lawful men having the qualifications of electors. In all civil actions a jury shall render a verdict upon the concurrence of three-fourths or more of their number. Whenever three-fourths of a jury as herein provided shall not consist of an integral number, the next highest number shall be construed to represent three-fourths of such jury.

Trial.

Verdict upon concurrence of three-fourths of jury.

The sectional numbers on the margin hereof are designated as provided by law.

SECTION 2. That said original section 1579-19 be, and the same is hereby repealed.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 6th, 1913.
Approved February 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 13th, 1913. 6 G.

[Senate Bill No. 72.]

AN ACT

To amend sections 10350 and 10351 of the General Code, relative to verdicts in the justice court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 10350 and 10351 of the General Code be amended to read as follows:

Sec. 10350. In all civil actions a jury shall render a verdict upon the concurrence of three-fourths or more of their number; the verdict shall be in writing and signed by each of such jurors concurring therein and delivered to the justice publicly, who must enter the verdict upon his docket. Whenever three-fourths of a jury as herein provided shall not consist of an integral number, the next highest number shall be construed to represent three-fourths of such jury.

Verdict upon concurrence of three-fourths of jury.

Sec. 10351. When the justice is satisfied that at least three-fourths or more of the jury sworn in a civil case before him cannot concur in a verdict after having consulted upon it a reasonable time, he may discharge the jury and continue the cause. If required by either party, he also may proceed to strike another jury, as hereinbefore provided. The cause shall be continued to such time as the justice thinks reasonable, unless the parties or their attorneys agree on a longer or shorter time, or that the justice may render judgment on the evidence already heard before him.

Proceedings when jury cannot agree.

SECTION 2. That said original sections 10350 and 10351 of the General Code be and the same are hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 6th, 1913.
Approved February 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 13th, 1913. 7 G.

[House Bill No. 240.]

AN ACT

To make appropriations to pay deficiencies authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be, and the same are hereby appropriated out of moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies as herein specified.

ADJUTANT GENERAL.

OHIO NATIONAL GUARD.

Appropriations to pay deficiencies.

Funeral expenses, Corporals Beverly and Gau, hospital and other expenses, Privates Snyder and Cutcheon, account accident at Sparta, Wis., 1911	$983 92
Postage for correspondence school for officers, O. N. G.	1,000 00
Per diem and susbsistence Co. M. 4th Infantry on call of mayor of Washington C. H.	200 51
Per diem and subsistence and transportation and expenses, O. N. G., Ohio-Columbus centennial	4,271 85

STATE HOUSE AND GROUNDS.

Illuminating state house, flaming arc plan	$990 00
Decorating state house, Ohio-Columbus centennial	500 00
Material and repairs	500 00

ATTORNEY GENERAL.

Stenographers	$4,000 00
Contingent expenses	294 07
Traveling expenses	42 35
Expenses legislative bribery cases	5,000 00
Special counsel	10,000 00

STATE HIGHWAY COMMISSIONER.

Contingent expenses, Dec. 1, 1911, to Feb. 15, 1912	$895 52
Steel file cases, furniture and carpets, Dec. 1, 1911, to Feb. 15, 1912	2,487 20
Additional rent, Feb. 15, 1912, to Feb. 15, 1913	1,937 70

Appropriations to pay deficiencies.

HEADQUARTERS GRAND ARMY OF THE REPUBLIC.

Expenses maintaining headquarters	$2,500 00

STATE LIABILITY BOARD OF AWARDS.

Actuarial department	$3,167 00
Auditing department	2,917 00
Clerical department and messenger	1,875 00
Medical department	2,210 00
Inspection department	735 00
Treasurer's bond	300 00
Contingent expenses	1,000 00
Furnishings	1,352 85
Uses and purposes Feb. 15, 1912, to Jan. 1, 1913	23,409 06
Uses and purposes Jan. 1, 1913, to Feb. 15, 1913	15,000 00

OHIO STATE MINING DEPARTMENT.

Building storage for maps	$186 79

SUPERINTENDENT OF INSURANCE.

Extra clerk hire	$850 00
Salary additional examiner	825 00

SUPERVISOR OF PUBLIC PRINTING.

Rent, supplies and cost of moving state bindery	$9,325 05

OHIO AGRICULTURAL EXPERIMENT STATION.

Investigation corn diseases	$2,000 00

BOWLING GREEN STATE NORMAL SCHOOL.

Expenses board of trustees	$1,500 00

BOARD OF ADMINISTRATION.

OHIO SOLDIERS' AND SAILORS' HOME.

Repairing and re-setting boilers	$5,335 70

OHIO PENITENTIARY.

Alteration of building, laundry machinery and equipment	$10,000 00

BOYS' INDUSTRIAL SCHOOL.

Appropriations to pay deficiencies.

Rewards	$300 00

OHIO STATE REFORMATORY.

Rewards outgoing prisoners	$1,500 00

BOARD OF PUBLIC WORKS.

Filling burrow pits, Buckeye Lake	$1,000 00
Repairing White Eyes culvert	7,822 00
Repairing Fry's culvert	5,622 00
Repairing Stony Creek culvert	7,958 00
Repairing Lock No. 15, Spillway	4,050 00

STATE BOARD OF HEALTH.

Office rent and contingent expenses	$2,000 00
Rent to Feb. 15, 1913, furniture and carpets	4,390 75

BOILER INSPECTION DEPARTMENT.

Salaries of three clerks	$3,056 67
Contingent expenses	500 00

BUREAU OF LABOR STATISTICS.

Contingent expenses	$1,500 00

STATE COMMISSIONER OF COMMON SCHOOLS.

Extra clerk hire	$80 00
Traveling expenses supervisors of agriculture	1,650 00

COMMISSIONER OF SOLDIERS' CLAIMS.

Contingent expenses	$50 00
Extra clerical assistance	155 00

KENT STATE NORMAL SCHOOL.

Expenses board of trustees	$3,000 00
Salaries and maintenance	7,000 00

OHIO STATE UNIVERSITY.

Repairing roof Townshend hall	$840 00
Animal husbandry	298 39
Botany	300 00
Engineering drawing	800 00
Rearrangement and equipment rooms Brown hall	671 38

Industrial arts	595 00
Chemistry	816 62
Zoology and entomology	221 00
Economics and sociology	200 00
Chairs	457 31
Horticultural laboratory	998 89
Deficiency in budget 1912-1913	25,679 00

OHIO UNIVERSITY.

Additions and improvements to heating system	$10,000 00
Extension of electric conduit to heating plant.	1,200 00
Interest to be paid on the approval of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state	2,719 65

It is not necessary to assign to this act sectional numbers in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

WM. GREEN,
President pro tem. of the Senate.

Passed Feb. 13th, 1913.
Approved Feb. 14th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 14th, 1913. 8 G.

[House Bill No. 55.]

AN ACT

To authorize the board of education of Jefferson Township, Guernsey County, Ohio, to pay Laura McNeel for services as teacher.

Be it enacted by the General Assembly of the State of Ohio:

Authority to pay Laura McNeel for services as teacher.

SECTION 1. That the board of education of Jefferson township, Guernsey county, Ohio, be and they are hereby authorized to pay to Laura McNeel out of any fund under their control and not otherwise appropriated the sum of fifty dollars ($50.00), being the sum due her for five weeks as teacher in the public schools of said township in the year nineteen hundred and eleven.

The sections of this bill are not required to be given numbers in the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized to issue his warrant, and the treasurer of said board is hereby authorized to pay said warrant in favor of said Laura McNeel out of any funds under the control of said board of education of said township and not otherwise appropriated.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 4th, 1913.
Approved February 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 17th, 1913. 9 L.

[House Bill No. 139.]

AN ACT

Making appropriations for interest on the irreducible debt, for the support of the common schools, for the Miami university, the Ohio university, the state normal school or college of the Ohio university, the state normal school or college of the Miami university, the Ohio state university, and for the normal and industrial department of the Wilberforce university.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys that may be in the state treasury, or that may come into the state treasury, belonging to the sinking fund, for the purposes hereinafter named:

APPROPRIATIONS FOR COMMON SCHOOLS.

Interest on irreducible debt.

For interest on the irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university funds, falling due January 1, 1913..... $325,000 00

Appropriation for common schools.

SECTION 2. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of the "State common school fund" for the fiscal year ending November 15, 1913, the sum of two million four hundred and eighty-five thousand dollars ($2,485,000.00), to be distributed for that purpose at the rate of two dollars ($2.00) for each enumerated youth; and paid in the manner provided by sections 7582, 7583 and 7584 of the General Code.

MIAMI UNIVERSITY.

Miami university.

SECTION 3. That there be and is hereby appropriated from the moneys coming into the state treasury to the credit of "The Miami university fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1913, and for the first quarter of the fiscal year ending November 15, 1914, the sum of sixty-two thousand five hundred dollars ($62,500.00); to be applied to the uses and purposes of the Miami university according to law.

Ohio university.

SECTION 4. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio university fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1913, and for the first quarter of the fiscal year ending November 15, 1914, the sum of sixty-two thousand five hundred dollars ($62,500.00); to be applied to the uses and purposes of the Ohio university according to law.

OHIO NORMAL SCHOOL FUND.

Ohio normal school.

SECTION 5. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1913, and for the first quarter of the fiscal year ending November 15, 1914, the sum of thirty-seven thousand five hundred dollars ($37,500.00); to be applied to the uses and purposes of the state normal school or college of the Ohio university according to law.

MIAMI NORMAL SCHOOL FUND.

SECTION 6. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit

Miami normal school.

of "The Miami normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1913, and for the first quarter of the fiscal year ending November 15, 1914, the sum of thirty-seven thousand five hundred dollars ($37,500.00); to be applied to the uses and purposes of the state normal school or college of the Miami university according to law.

THE OHIO STATE UNIVERSITY.

Ohio state university.

SECTION 7. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio state university fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1913, and for the first quarter of the fiscal year ending November 15, 1914, the sum of four hundred thousand dollars ($400,000.00); to be applied to the uses and purposes of the Ohio state university according to law.

NORMAL AND INDUSTRIAL DEPARTMENT WILBERFORCE UNIVERSITY.

Wilberforce university.

SECTION 8. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The normal and industrial department of the Wilberforce university fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1913, and for the first quarter of the fiscal year ending November 15, 1914, the sum of twenty-five thousand dollars ($25,000.00); to be applied to the uses and purposes of the normal and industrial department of the Wilberforce university according to law.

Provisions relating to excess or deficiency.

SECTION 9. That in the event the rates authorized by law for the several funds named in this act shall not produce the respective amounts herein appropriated, the auditor of state is hereby authorized and directed to draw warrants on the state treasury in amounts equal to the deficiencies the said warrants to be payable out of any money to the credit of the general revenue fund not otherwise appropriated; and provided further that in the event the rates authorized by law for the several funds named in this act shall produce amounts in excess of the sums appropriated, the said excess shall be covered into the state treasury and credited to the general revenue fund.

It is not necessary to assign to this act sectional numbers in the General Code.

SECTION 10. That the different appropriations hereinbefore provided for are made in accordance with the provisions of Amended House Bill No. 186 passed May 31, 1911.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 3rd, 1913.
Approved February 20th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1913.

10 G.

TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 103.]

AN ACT

To amend section 5056 of the General Code, relating to opening and closing of polls.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5056 of the General Code be amended to read as follows:

Section 5056. The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

Sec. 5056. The polls shall be open at five thirty o'clock forenoon and kept open up to, and closed at, five thirty o'clock, central standard time, in the afternoon of the same day.

Polls open from 5:30 a. m. to 5:30 p. m.

SECTION 2. That said original section 5056 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 6th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 24th, 1913. 11 G.

[Senate Bill No. 82.]

AN ACT

Authorizing the auditor of state to issue duplicate warrant on the state treasury.

Be it enacted by the General Assembly of the State of Ohio:

This section does not require numbering in the General Code. TIMOTHY S. HOGAN *Attorney General*

SECTION 1. That the auditor of state is hereby authorized to issue duplicate warrant on the state treasury as follows, the original of which having been lost or destroyed:

Duplicate warrant.

Warrant No. 11899, series 1912, $270.00, in favor of J. P. Brennan.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 7th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 25th, 1913. 12 L.

[Senate Bill No. 76.]

AN ACT

To amend section 5021 of the General Code, relating to the form of ballots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5021 of the General Code be amended to read as follows:

Section 5021. Provisions relating to printed form of ballot.

Sec. 5021. The ballot shall be so printed as to give each elector a clear opportunity to designate by a cross mark in a large blank circular space, three-quarters of an inch in diameter, below the device and above the name of the party at the head of the ticket or list of candidates his choice of a party ticket and desire to vote for each and every candidate thereon, and by a cross mark in a blank enclosed space on the left and before the name of each candidate his choice of particular candidates. Provided that on the ticket for presidential electors blank enclosed spaces shall not be provided on the left and before the names of the presidential electors. A cross mark in the large blank circular space above the name of the party at the head of said ticket shall constitute a vote and be counted as such for each of the presidential electors thereon.

Form of ticket for presidential electors.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General

SECTION 2. That said original section 5021 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 12th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 27th, 1913.
13 G.

[House Bill No. 75.]

AN ACT

To amend section 4826 of the General Code, relating to the election of officers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4826 of the General Code be amended to read as follows:

Section 4826.

Sec. 4826. All general elections for elective state and county offices and for the office of judge of the court of appeals shall be held on the first Tuesday after the first Monday of November in the even numbered years. All votes for any judge for an elective office except a judicial office, under the authority of this state, given by the general assembly, or by the people, shall be void.

Time of holding elections for elective state and county offices.

Vote for judge void, when.

SECTION 2. That said section 4826 of the General Code be and the same is hereby repealed.

The sectional number on the margin hereof is designated as required by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 10th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 27th, 1913. 14 G.

[Senate Bill No. 57.]

AN ACT

To amend section 804 of the General Code, providing for the distribution of bulletins, and to repeal sections 805 and 807 of the General Code, providing for the publication and distribution of certain volumes of the geological survey.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 804 of the General Code be amended to read as follows:

Section 804.

Sec. 804. Each issue of a bulletin shall consist of not less than fifteen hundred copies, of which one thousand copies shall be distributed by the state geologist, in exchange with other surveys, and among persons whose services have been employed in the collection and preparation of matter used therein. Not more than four hundred copies of a bulletin may be distributed during the first year after

Number of bulletins to be issued and how distributed.

its publication, and not more than fifty copies in any subsequent year.

The sectional number on the margin hereof is designated as required by law.
TIMOTHY S. HOGAN,
Attorney General

SECTION 2. That said original section 804, and that sections 805 and 807 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 12th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 27th, 1913.
15 G.

[House Bill No. 74.]

AN ACT

To amend section 368 of the General Code relating to the appointment of a dairy and food commissioner by the governor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 368 of the General Code be amended to read as follows:

Section 368.

Sec. 368. There shall be appointed biennially by the governor a state dairy and food commissioner, who shall serve for the term of two years. The term of the commissioner first appointed hereunder shall commence on the first Tuesday after the 15th day of February, A. D. 1915. Any dairy and food commissioner elected prior to the enactment of this amendment shall hold such office for the full term for which he was elected, and until his successor is appointed and has duly qualified; but in case of his death, resignation or removal, his successor shall be appointed by the governor for the unexpired part of the term.

Appointment of dairy and food commissioner by governor.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General

SECTION 2. That said original section 368 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 6th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 27th, 1913.
16 G.

[House Bill No. 154.]

AN ACT

To amend section 5976 of the General Code, relating to the observance of a portion of election day as a part holiday.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5976 of the General Code be amended to read as follows:

Section 5976.

Sec. 5976. The first Tuesday after the first Monday in November of each year, between the hours of twelve o'clock noon, central standard time, and five-thirty o'clock p. m. central standard time, shall be a legal part holiday.

A portion of election day a part holiday.

SECTION 2. That said original section 5976 of the General Code be, and the same is hereby repealed.

The sectional number on the margin hereof is designated as required by law.
TIMOTHY S. HOGAN
Attorney General

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 6th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 27th, 1913. 17 G.

[Senate Bill No. 38.]

AN ACT

To amend section 974 of the General Code, and to supplement it by the enactment of sections 974-1, 974-2, and 974-3, relating to the chief inspector of mines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 974 of the General Code be amended and supplemented to read as follows:

Section 974.

Sec. 974. No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any mine any oil other than oil composed of not less than eighty-two per cent. of pure animal or vegetable oil, or both, and not more than eighteen per cent. pure mineral oil. The gravity of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit, and the gravity of the mixture shall not ex-

Legal composition of oils used for illuminating purposes in mines.

Gravity of oils, and how measured.

ceed twenty-five degrees Baume scale measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit. Each person, firm or corporation compounding oil for illuminating purposes in any mine or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation, having purchased the same, the date of shipment, the percentage and the gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale at a temperature sixty degrees Fahrenheit of the mixture. Each label shall have printed thereon, over the facsimile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in mines in the state of Ohio, and the composition thereof as shown hereon is correct." Each person, firm or corporation, manufacturing paraffine wax for illuminating purposes in any mine, or mines, shall, before shipment thereof is made, securely brand, stencil, or paste, upon the head of each barrel, box, or case, containing small packages, the name and address of the person, firm or corporation, manufacturing paraffine wax therein contained, the name and address of the person, firm or corporation, having purchased the same, and the date of shipment. And each individual package contained within each barrel, box or case, shall have plainly printed thereon the name of the product, the name and address of the manufacturer thereof, together with the melting point, fire test, and the percentage of oil and moisture of the paraffine wax therein contained. But nothing herein contained shall prohibit the manufacture, sale or use for illuminating purposes in mines in this state, of paraffine wax with melting point at from one hundred five to one hundred twenty-four degrees of heat and minimum fire test not less than three hundred degrees Fahrenheit, with not over four per cent. oil and moisture.

How labeled and the specifications required.

Paraffine wax to be used for illuminating purposes must be labeled.

Label of individual package.

Section 974-1.

Sec. 974-1. It shall be lawful to use acetylene gas in lamps in mines subject to the following conditions and restrictions: First, no person, or persons shall take into a mine a greater quantity of calcium carbide than will be a reasonable supply for his own lamp for one day's work. Second, no person shall deposit, or keep in his possession in a mine any calcium carbide, or refuse from calcium carbide, in anything except air-tight containers, and these containers with their contents must be taken out of the mine at the end of each day's work, or sooner, if possible. Third, no person or persons, shall be allowed to use acetylene gas in lamps where there are old or abandoned workings where large quantities of black damp or other poisonous gases are liable to accumulate until such places have been examined

Conditions and restrictions under which acetylene gas in lamps may be used in mines.

by a competent person and pronounced to be free from foul or poisonous atmosphere.

Section 974-2. Sec. 974-2. No person shall use in any mine any other illuminant than those provided for in sections 974 and 974-1 of the General Code, unless with the consent of the chief inspector of mines.

Other illuminants prohibited without consent of chief inspector.

Section 974-3. Sec. 974-3. Any person who knowingly uses, or any owner, lessee or agent, who permits the use of any illuminant contrary to the provisions of sections 974, 974-1 and 974-2, or any owner, lessee or agent who permits any person to deposit, or keep in his possession, in a mine any calcium carbide, or refuse from calcium carbide, except as provided in said sections 974 and 974-1, upon conviction, shall be fined not less than five nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Penalty.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. Section 974 of the General Code is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 13th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 27th, 1913. 18 G.

[Senate Bill No. 53.]

AN ACT

To supplement section 5018 of the General Code by the addition of a section to be known as section 5018-1, relating to the form of ballots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5018 of the General Code be supplemented by a section to be known as section 5018-1, as follows:

Section 5018-1 Sec. 5018-1. Where the names of several persons are grouped together upon the ballots as candidates for the same office, the ballot shall contain, immediately above the names of such candidates the words "Vote for not more than ....." (filling the blank space with the number of persons who may lawfully be elected to such office).

When names of several persons are grouped as candidates for same office.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 11th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

The sectional number on the margin hereof is designated as required by law.
TIMOTHY S. HOGAN, *Attorney General.*

Filed in the office of the Secretary of State February 27th, 1913. 19 G.

[Senate Bill No. 44.]

AN ACT

To amend section 5089 of the General Code, relating to the duties of judges of elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5089 of the General Code be amended to read as follows:

Section 5089.

Sec. 5089. When the result of the ballot is ascertained it shall immediately be announced by one of the judges in front of the polling place and such result shall be embodied in a summary statement to be prepared by said judges and clerks in triplicate, one copy of which shall be certified by the judges and clerks and posted on the front of the polling place, and two copies, similarly certified, to be transmitted forthwith to the board of deputy state supervisors of elections in a sealed envelope separate from that containing the poll book and tally sheet. Such board shall immediately upon receipt of such summary statements, compile and prepare an unofficial count and on the day following the election shall certify the result thereof to the secretary of state.

Proclamation of result and certified in triplicate.

Unofficial count certified to secretary of state on day following election.

SECTION 2. That said original section 5089 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 13th, 1913.
Approved February 24th, 1913.

JAMES M. COX,
Governor.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

Filed in the office of the Secretary of State February 27th, 1913. 20 G.

[Senate Bill No. 33.]

AN ACT

To amend section 9468 of the General Code, relating to the age limit for admission to membership in fraternal benefit societies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9468 of the General Code be amended to read as follows:

Section 9468.

Sec. 9468. Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician, and whose examination has been supervised and approved in accordance with the laws of the society;

Age limit for admission to membership in fraternal benefit societies.

provided, that any beneficiary member of such society who shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor; and any society limiting its membership to any one hazardous occupation may issue certificates providing for accident disability benefits to beneficiary members not more than seventy years of age. Nothing herein contained shall prevent any society from accepting general or social members.

The sectional number on the margin hereof is designated as required by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 9468 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 11th, 1913.
Approved February 26th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 27th, 1913. 21 G.

[Senate Bill No. 83.]

AN ACT

To provide for indeterminate penitentiary sentences and to repeal section 2166 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2166 of the General Code be amended to read as follows:

Section 2166.

Sec. 2166. Courts imposing sentences to the Ohio penitentiary for felonies, except treason, and murder in the first degree, shall make them general and not fixed or limited in their duration. All terms of imprisonment of persons in the Ohio penitentiary may be terminated by the Ohio Board of Administration as authorized by this chapter, but no such terms shall exceed the maximum, nor be less than the minimum term provided by law for the felony of which the prisoner was convicted. If a prisoner is sentenced for two or more separate felonies, his term of imprisonment may equal, but shall not exceed, the aggregate of the maximum terms of all the felonies for which he was sentenced and, for the purposes of this chapter, he shall be held to be serving one continuous term of imprisonment. If through oversight or otherwise, a sentence to the Ohio penitentiary, should be for a definite term, it shall not thereby become void, but the person so sentenced shall be subject to the liabilities of this chapter, and receive the benefits thereof, as if

Indeterminate sentences.

Ohio board of administration may terminate all terms of imprisonment.

Term, when prisoner sentenced for two or more separate felonies.

Effect, if sentence should be for definite term.

he had been sentenced in the manner required by this section.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original section 2166 of the General Code is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 13th, 1913.
Approved February 26th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 27th, 1913. 22 G.

[House Bill No. 81.]

AN ACT

To make an appropriation to pay existing claims for newspaper advertising of the Constitutional Convention of 1912.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay newspaper advertising of constitutional amendments.

SECTION 1. That there be and is hereby appropriated from the general revenue fund of the state, not otherwise appropriated, the sum of sixty-two thousand eight hundred ninety-one and seventy-one hundredths ($62,891.71) dollars, for the constitutional convention of 1912, to be paid, in accordance with the provisions of Senate Bill No. 15, passed by the 79th general assembly, to the following newspapers or their assigns for advertising the amendments submitted to the people, by the constitutional convention:

City or Town and County.	Newspaper.	Total Amount.
Aberdeen (Brown)	The Gretna Green	$111 12
Adamsville (Muskingum)	The Adamsville Register.	114 25
Adelphi (Ross)	Adelphi Border News	115 50
Akron (Summit)	The Akron Times	183 00
	The People	117 38
	Akron Germania	108 00
Alger (Hardin)	The Alger Gazette	114 00
Alliance (Stark)	The Review	142 37
	The Alliance Leader	126 75
Amanda (Fairfield)	The Amanda Press	111 13
Andover (Ashtabula)	The Andover Citizen	115 18
Antwerp (Paulding)	The Antwerp Bee	120 50
Archbold (Fulton)	Archbold Advocate	114 25
Arlington (Hancock)	The Arlingtonian	112 07
Ashville (Pickaway)	The Ashville Home News.	114 25

City or Town and County.	Newspaper.	Total Amount.	
Ashland (Ashland)	Ashland Press	128 62	Appropriation to pay newspaper advertising of constitutional amendments.
	Times-Gazette	118 93	
Ashtabula (Ashtabula)	American Sanomat	111 78	
	Beacon-Record	145 50	
	Democratic Standard	115 50	
Athens (Athens)	The Athens Daily Messenger	126 75	
	The Morning Journal	116 13	
	The Athens Daily Tribune	126 75	
Bainbridge (Ross)	The Bainbridge Observer	114 25	
Barberton (Summit)	The Barberton News	120 50	
	The Barberton Telegram	116 75	
	The Barberton Leader	114 25	
Baltic (Tuscarawas)	The Baltic American	114 25	
Barnesville (Belmont)	Barnesville Enterprise	123 62	
Batavia (Clermont)	Clermont County Democrat	114 25	
	The Clermont Courier	117 38	
	The Clermont Sun	120 50	
Bellaire (Belmont)	The Democrat	120 82	
	Daily Herald-Tribune	114 25	
Belle Center (Logan)	The Herald-Voice	115 50	
Bellefontaine (Logan)	The Index Republican	123 62	
	The Daily Examiner	123 63	
Bellville (Richland)	Bellville Messenger	117 37	
Berea (Cuyahoga)	The Berea Enterprise	117 38	
Bethel (Clermont)	The Bethel Journal	113 00	
Blanchester (Clinton)	The Star-Republican	114 25	
Bluffton (Allen)	The Bluffton News	120 50	
Botkins (Shelby)	The Botkins Herald	114 25	
Bowling Green (Wood)	The Daily Sentinel-Tribune	120 50	
	The Wood County Democrat	126 75	
Bradford (Darke and Miami)	The Morning Sentinel	114 25	
Bryan (Williams)	The Bryan Democrat	120 50	
	The Bryan Press	116 13	
Bucyrus (Crawford)	The Bucyrus Evening Telegraph	120 50	
	Bucyrus Courier (German)	109 00	
	The Daily Forum	117 70	
Burton (Geauga)	The Geauga Leader	114 25	
Butler (Richland)	The Butler Times	115 50	
Byesville (Guernsey)	The Daily Enterprise	111 13	
Cadiz (Harrison)	The Cadiz Republican	126 12	
	The Cadiz Democrat-Sentinel	118 34	
Caldwell (Noble)	The Caldwell Press	113 62	
	Noble County Leader	123 63	
	Republican Journal	114 25	

Appropriation to pay newspaper advertising of constitutional amendments.

City or Town and County.	Newspaper.	Total Amount.
Cambridge (Guernsey)	The Guernsey Times	120 50
	Jeffersonian	139 25
Canal Dover (Tuscarawas)	Daily Reporter	128 00
Canal Fulton (Stark)	Canal Fulton Signal	114 25
Canal Winchester (Franklin)	The Buckeye News	124 88
Canfield (Mahoning)	The Mahoning Dispatch	120 50
Canton (Stark)	The Ohio Volks-Zeitung	108 00
	The News Democrat	172 54
	The Evening Repository	208 00
Cardington (Morrow)	The Morrow County Independent	120 50
Carrollton (Carroll)	The Carroll Chronicle	116 90
	Free Press-Standard	121 43
Cedarville (Greene)	The Cedarville Herald	113 00
Celina (Mercer)	The Celina Democrat	117 38
	Der Mercer County Bote	108 92
	Mercer County Observer	115 50
	The Daily Standard	114 25
Chardon (Geauga)	The Geauga County Record	114 46
	The Geauga Republican	118 00
Chicago Junction (Huron)	The Chicago Times	119 25
Chillicothe (Ross)	Unsere Zeit	109 00
	The Scioto Gazette	123 63
	Chillicothe News-Advertiser	122 38
Cincinnati (Hamilton)	Cincinnati Volksblatt	110 50
	L'Imperziale	139 25
	The Enquirer	432 00
	The Commercial Tribune	420 00
	The Avondale Journal	123 62
	The Daily Freie Presse	201 25
	The South-West	126 75
Circleville (Pickaway)	Circleville Democrat and Watchman	115 50
	The Circleville Herald	123 00
	The Daily Union-Herald	114 25
Clarington (Monroe)	Clarington Independent	117 38
Cleveland (Cuyahoga)	The German Press & Plate Co.	283 00
	The Cleveland Daily News	462 00
	The Cleveland Leader	546 00
	The Cleveland Plain Dealer	588 00
	The Waechter und Anzeiger	294 00
	La Voce Del Popolo Italiano	139 25

City or Town and County.	Newspaper.	Total Amount.	
Cleveland (Cuyahoga)	The Echo (German)	108 00	Appropriation to pay newspaper advertising of constitutional amendments.
	The Catholic Universe	189 25	
	Svet Printing & Publishing Co.	226 75	
	Polonia W. Ameryse	183 00	
	Narodoweic	114 25	
	The Cleveland Citizen	145 50	
	The American (Bohemian Daily)	164 25	
	The Jewish Independent	145 50	
	Clevelandska Amerika	126 75	
	Masvarok Vasarnapja (Hungarian Sunday)	117 38	
	Die Neue Heimat (New Home—German)	108 00	
Clyde (Sandusky)	The Clyde Enterprise	116 12	
	Clyde Reporter	115 49	
Coldwater (Mercer)	The Coldwater Chronicle	119 13	
College Corner (Preble and Butler)	College Corner News	112 66	
Columbus (Franklin)	The Catholic Columbian	201 75	
	Express & Westbote	109 50	
	The Ohio State Journal	336 00	
	The Columbus Dispatch	336 00	
Columbus Grove (Putnam)	Putnam County Vidette	114 25	
Conneaut (Ashtabula)	Conneaut News-Herald	123 63	
Continental (Putnam)	The Union News	118 00	
Coshocton (Coshocton)	The Times	118 78	
	The Coshocton Daily Age	126 75	
	Coshocton Morning Tribune	129 88	
	Coshocton Wochenblatt	108 45	
Crestline (Crawford)	Crestline Advocate	123 41	
Crooksville (Perry)	The Crooksville Advance	114 25	
Cumberland (Guernsey)	The Cumberland Echo	113 63	
Custar (Wood)	The Custar News	111 13	
Dalton (Wayne)	The Dalton Gazette	114 25	
Danville (Knox)	The Tri-County Leader	112 38	
	Knox County Herald	111 00	
Dayton (Montgomery)	Dayton Herald	239 25	
	Dayton Daily News	296 30	
	Dayton Journal	270 30	
	Daytonor Volks Zeitung	109 07	
Defiance (Defiance)	Daily Crescent-News	118 63	
	The Express	114 25	
	Der Defiance Herold	109 14	
DeGraff (Logan)	The DeGraff Journal	114 25	
Delaware (Delaware)	Delaware Daily Gazette	119 25	
	The Daily Journal Herald	114 25	

Appropriation to pay newspaper advertising of constitutional amendments.

City or Town and County.	Newspaper.	Total Amount.
Delphos (Allen and Van Wert)	The Delphos Daily Herald	115 50
Delta (Fulton)	Delta Atlas	121 13
Dennison (Tuscarawas)	The Daily Paragraph	118 00
Deshler (Henry)	The Deshler Flag	118 63
Dresden (Muskingum)	The Dresden Transcript	115 50
East Liverpool (Columbiana)	The Potters' Herald	120 50
	The Evening Review	139 25
	The Morning Tribune	145 50
East Palestine (Columbiana)	The Reveille Echo	117 38
Eaton (Preble)	The Eaton Herald	121 13
	The Eaton Register	117 38
	The Eaton Democrat	117 38
Edgerton (Williams)	The Edgerton Earth	115 81
Edon (Williams)	Edon Commercial	111 39
Elmore (Ottawa)	Elmore Tribune	113 63
Elmwood Place (Hamilton)	The Blade	123 62
Elyria (Lorain)	The Evening Telegram	139 25
	The Daily Chronicle	131 72
	The Elyria Democrat	117 38
Fayette (Fulton)	Fayette Review	114 25
Findlay (Hancock)	Findlay Courier	125 50
	The Morning Republican	142 38
Flushing (Belmont)	The News-Advertiser	112 06
Fort Recovery (Mercer)	The Fort Recovery Tribune	115 50
Fostoria (Seneca)	The Fostoria Times	117 38
	The Fostoria Daily Review	116 75
Frankfort (Ross)	Frankfort Sun	113 31
Franklin (Warren)	The Franklin Chronicle	115 50
	The Franklin News	114 25
Frazeysburg (Muskingum)	The Frazeysburg News	114 25
Fredericktown (Knox)	Fredericktown Free Press	119 63
Freeport (Harrison)	The Freeport Press	118 62
Fremont (Sandusky)	The Fremont Journal	117 38
	Fremont Messenger	134 87
	Fremont News	123 00
	Fremont Courier	108 60
Galion (Crawford)	Galion Leader	120 93
	The Galion Inquirer	117 38
Gallipolis (Gallia)	The Gallipolis Bulletin	117 38
	The Gallipolis Daily Tribune	114 25
	The Gallia Times	117 38
Garrettsville (Portage)	The Garretsville Journal	114 25

City or Town and County.	Newspaper.	Total Amount.	
Geneva (Ashtabula)	The Geneva Free-Press-Times	120	50
Georgetown (Brown)	The News Democrat	126	75
	Georgetown Gazette	118	63
Glouster (Athens)	The Glouster Press	117	38
Greenfield (Highland)	The Greenfield Journal	118	63
	The Greenfield Republican	118	94
Greenville (Darke)	The Greenville Courier	114	88
	The Greenville Democrat	115	50
	Greenville Daily Tribune	117	38
	Deutsche Umschau	108	55
	The Greenville Daily Advocate	120	50
Greenwich (Huron)	The Greenwich Enterprise	112	37
Hamden (Vinton)	The Hamden Enterprise	114	25
Hamilton (Butler)	The Republican	153	00
	Der Deutsch-Amerikaner	108	82
	The Butler Co. Press	120	50
	The Hamilton Socialist	120	50
	Hamilton Evening Journal	154	87
Hicksville (Defiance)	The Tribune	117	38
	The Hicksville News	116	75
Hillsboro (Highland)	The Hillsboro Gazette	120	50
	The Hillsboro Dispatch	123	00
	The News-Herald	122	06
Hudson (Summit)	Hudson Independent	111	75
Huntsville (Logan)	The Huntsville News	111	13
Ironton (Lawrence)	The Ironton News	119	25
	The Register	121	75
	The Irontonian	125	19
Jackson (Jackson)	The Semi-Weekly Sun	117	38
	The Jackson Herald	117	38
	Jackson Standard-Journal	117	38
Jamestown (Greene)	Greene County Journal	117	37
Jefferson (Ashtabula)	Jefferson Gazette and Sentinel	126	75
Jeffersonville (Fayette)	The Jeffersonville Citizen	113	20
Jewett (Harrison)	The Jewett Sun	115	50
Johnstown (Licking)	The Johnstown Independent	119	25
Kent (Portage)	The Kent Courier	122	37
Kenton (Hardin)	The Kenton Democrat	125	50
	The Kenton Republican	126	12
Killbuck (Holmes)	Killbuck News	111	13
Kinsman (Trumbull)	The Courier	117	38
Lake View (Logan)	The Tri-County Sun	113	31
Lancaster (Fairfield)	Lancaster Daily Gazette	120	50
	Lancaster Daily Eagle	126	75
	Fairfield County Democrat	122	50

Appropriation to pay newspaper advertising of constitutional amendments.

Appropriation to pay newspaper advertising of constitutional amendments.

City or Town and County.	Newspaper.	Total Amount.
LaRue (Marion)	LaRue News	113 62
Lebanon (Warren)	The Western Star	129 88
	The Lebanon Patriot	120 50
	The Warren County Times	114 25
Leetonia (Columbiana)	Leetonia Reporter	114 25
Leipsic (Putnam)	The Leipsic Free Press	126 00
Lima (Allen)	The Republican-Gazette	134 56
	Allen County Republican Gazette	129 25
	Der Lima Courier	108 00
	The Lima Times-Democrat	139 25
	The Lima Advertiser	120 50
	Lima Daily News	139 25
Lisbon (Columbiana)	The Buckeye State	120 50
	The Ohio Patriot	123 63
Lockland (Hamilton)	The Millcreek Valley News	119 25
Logan (Hocking)	The Democrat-Sentinel	118 63
	The Logan Republican	119 25
	The Journal Gazette	117 38
London (Madison)	The London Times	116 13
	London Enterprise	120 50
	Semi-Weekly Madison County Democrat	139 25
Lorain (Lorain)	The Lorain Post	108 50
	The Lorain Times-Herald	133 00
	Lorain Daily News	133 00
Loudonville (Ashland)	The Loudonville Advocate	120 50
	The Loudonville Democrat	123 63
Louisville (Stark)	The Louisville Herald	117 38
Loveland (Clermont)	Tri-County Press	111 13
Lynchburg (Highland)	The Lynchburg Record	111 13
McArthur (Vinton)	The Republican-Tribune	177 38
	The McArthur Democrat-Enquirer	117 38
McClure (Henry)	The McClure Trio	114 25
McComb (Hancock)	The Hancock County Herald	114 25
McConnelsville (Morgan)	The Daily Herald	113 00
	Morgan County Democrat	126 75
Magnolia (Stark, Carroll and Tuscarawas)	Sandy Valley Press	117 38
Manchester (Adams)	The Manchester Signal	114 25
Mansfield (Richland)	The Courier	108 65
	The Mansfield Daily Shield	129 25
	The Mansfield News	153 63
Mantua (Portage)	The Mantua Review	111 13

City or Town and County.	Newspaper.	Total Amount.	
Marietta (Washington)	Marietta Daily Journal...	127 38	Appropriation to pay newspaper advertising of constitutional amendments.
	The Daily Register-Leader	126 75	
	Marietta Daily Times....	120 50	
Marion (Marion)	The Marion Tribune.....	142 38	
	Deutsche Presse	108 60	
Martins Ferry (Belmont)	The Evening Times.....	129 87	
	Ohio Valley News.....	123 63	
Marysville (Union)	The Marysville Republican	123 63	
	The Evening Tribune....	115 19	
	Union County Journal...	117 38	
Massillon (Stark)	Evening Independent....	141 12	
Maumee (Lucas)	The Maumee Advance-Era	111 75	
Mechanicsburg (Champaign)	The Morning Telegram...	111 44	
Medina (Medina)	The Medina County Gazette	133 00	
Miamisburg (Montgomery)	The Miamisburg News...	114 88	
Middlefield (Geauga)	The Middlefield Times....	114 25	
Middlepoint (Van Wert)	The Middlepoint News...	110 50	
Middleport (Meigs)	The Republican	114 25	
Middletown (Butler)	The Daily Journal.....	123 62	
	The News-Signal	129 87	
Milford (Clermont)	The Valley Enterprise...	115 81	
Milford Center (Union)	Milford Center Ohioan...	114 25	
Millersburg (Holmes)	Millersburg Republican..	117 38	
	The Holmes County Farmer	123 63	
Monroeville (Huron)	The Monroeville Spectator	111 13	
Montpelier (Williams)	The Montpelier Enterprise	115 50	
Mt. Blanchard (Hancock)	Mt. Blanchard Journal...	111 75	
Mt. Gilead (Morrow)	The Union Register.....	120 50	
	The Morrow County Republican	120 50	
	The Sentinel	121 75	
Mt. Vernon (Knox)	The Daily Republican News	119 25	
	Mt. Vernon Democratic Banner	120 50	
Murray City (Hocking)	The Independent	114 25	
Napoleon (Henry)	Northwest News	123 63	
	Henry County Signal....	119 25	
	Der Deutsche Demokrat..	108 78	

Appropriation to pay newspaper advertising of constitutional amendments.

City or Town and County.	Newspaper.	Total Amount.
Nelsonville (Athens)	The Buckeye News	118 62
	Valley Register	117 37
Nevada (Wyandot)	The Nevada News	114 25
Newark (Licking)	Newark Express (German)	108 53
	The Newark News	141 13
New Bremen (Auglaize)	The New Bremen Sun	108 67
New Carlisle (Clark)	The New Carlisle Sun	113 00
Newcomerstown (Tuscarawas)	Newcomerstown News	114 25
New Lexington (Perry)	New Lexington Herald	114 25
	The New Lexington Tribune	118 00
New Matamoras (Washington)	Matamoras Enterprise	115 50
New Paris (Preble)	New Paris Mirror	114 85
New Philadelphia (Tuscarawas)	The Daily Times	128 31
New Richmond (Clermont)	Independent News	111 75
New Vienna (Clinton)	The Reporter	114 25
New Washington (Crawford)	New Washington Herald.	112 38
New Waterford (Columbiana)	The New Waterford Magnet	119 25
Niles (Trumbull)	The Niles Independent	113 63
	The Niles Daily News	116 75
North Baltimore (Wood)	North Baltimore Times	114 25
North Lewisburg (Champaign)	North Lewisburg Reporter	111 13
Norwalk (Huron)	The Norwalk Reflector	120 50
	The Evening Herald	123 63
	The Huron County News.	126 75
Norwood (Hamilton)	The Norwood Enterprise.	139 25
Oak Harbor (Ottawa)	The Ottawa County Exponent	119 25
	The Press	113 00
Oak Hill (Jackson)	The Jackson County Press	114 25
Oakwood (Paulding)	The Northwestern Ohio Independent News	113 00
Oberlin (Lorain)	The Oberlin News	114 25
	The Oberlin Tribune	120 50
Ohio City (Van Wert)	Ohio City Progress	113 00
Orrville (Wayne)	Orrville Courier Crescent	126 75
Orwell (Ashtabula)	The News-Letter	111 13
Osborn (Greene)	The Osborn Local	112 69

City or Town and County.	Newspaper.	Total Amount.	
Ottawa (Putnam)	Putnam County Democrat	109 00	Appropriation to pay newspaper advertising of constitutional amendments.
	The Ottawa Gazette	114 25	
	Putnam County Sentinel.	123 63	
Painesville (Lake)	The Telegraph Republican	124 87	
	The Lake County Weekly Herald	114 25	
Pandora (Putnam)	The Pandora Times	114 88	
Paulding (Paulding)	The Paulding County Times	114 25	
	Paulding Democrat	115 50	
	Paulding County Republican	117 37	
Pemberville (Wood)	Pemberville Leader	114 25	
Pioneer (Williams)	Tri-State Alliance	116 75	
Piqua (Miami)	Die Miami Post (German)	108 50	
	The Piqua Leader Dispatch	129 88	
	The Piqua Daily Call	131 06	
Plain City (Madison)	The Plain City Advocate.	118 31	
	The Plain City Dealer	114 25	
Pleasant City (Guernsey)	The Pleasant City Recorder	113 31	
Pleasantville (Fairfield)	Pleasantville Times	111 13	
Pomeroy (Meigs)	Tribune-Telegraph	123 63	
	The Daily News	114 25	
	The Democrat	120 50	
	The Leader	126 75	
Port Clinton (Ottawa)	Ottawa County News Democrat	114 25	
	Ottawa County Herald	117 38	
	Ottawa County Zeitung	108 32	
	Ottawa County Republican	114 25	
Portsmouth (Scioto)	The Portsmouth Daily Blade	158 00	
	The Portsmouth Daily Times	144 88	
	Portsmouth Correspondent	109 80	
Prairie Depot (Wood)	The Prairie Depot Observer	112 35	
Prospect (Marion)	Prospect Monitor	114 25	
Quaker City (Guernsey)	The Quaker City Independent	114 25	
Ravenna (Portage)	The Ravenna Republican.	128 63	
	Portage County Democrat	117 38	
Ripley (Brown)	The Ripley Bee	117 38	
Rockford (Mercer)	The Rockford Press	114 75	
Roseville (Muskingum)	Republican Citizen	114 25	

Appropriation to pay newspaper advertising of constitutional amendments.

City or Town and County.	Newspaper.	Total Amount.
Ross (Butler)	The Graphic	114 25
Rushsylvania (Logan)	Rushsylvania Record	111 13
Sabina (Clinton)	Sabina News Record	114 56
St. Clairsville (Belmont)	The Belmont Chronicle	118 00
	St. Clairsville Gazette	117 38
St. Marys (Auglaize)	The Evening Leader	117 38
	The St. Marys Argus	114 00
Salem (Columbiana)	Weekly Bulletin	118 00
	The Salem News	122 06
	The Republican Era	125 50
	Salem Daily Herald	128 00
Sandusky (Erie)	The Sandusky Star Journal	142 37
	The Sandusky Register	139 25
	Sandusky Democrat	108 58
Seville (Medina)	The Seville Weekly Times	111 13
Shelby (Richland)	The Daily Globe	118 00
Sherwood (Defiance)	Sherwood Chronicle	113 00
Shiloh (Richland)	The Shiloh Review	114 25
Shreve (Wayne)	The Shreve News	114 25
Sidney (Shelby)	The Sidney Daily News	124 09
	The Shelby County Anzeiger	108 40
	The Sidney Daily Journal	120 50
Spencerville (Allen)	Spencerville Journal-News	117 38
Springfield (Clark)	The Sun	186 13
	The Tribune	139 25
	The Daily News	179 25
	The Journal-Adler	108 85
Steubenville (Jefferson)	The Herald	141 12
	Steubenville Germania	108 75
Stryker (Williams)	The Stryker Advance	112 38
Sugar Creek (Tuscarawas)	The Weekly Budget	117 38
Sunbury (Delaware)	The Sunbury News	114 56
Swanton (Fulton)	The Swanton Enterprise	109 85
Thornville (Perry)	The Thornville News	117 38
Tiffin (Seneca)	Die Tiffin Presse	108 35
	The Daily Advertiser	123 62
	Daily Tribune and Herald	122 06
	Tiffin Weekly News	114 25
Tippecanoe City (Miami)	The Weekly Herald	112 38
Toledo (Lucas)	Die Toledo Express	108 00
	Toledo Blade	210 00
Tontogany (Wood)	Tontogany Times	111 13
Toronto (Jefferson)	Toronto Tribune	114 25

City or Town and County.	Newspaper.	Total Amount.	
Troy (Miami)	The Miami Union	129 88	Appropriation to pay newspaper advertising of constitutional amendments.
	Troy Daily News	119 25	
	Troy Daily Record	118 00	
	Troy Democrat	115 82	
Urbana (Champaign)	Urbana Daily Citizen	120 50	
	Champaign Democrat	134 55	
Uhrichsville (Tuscarawas)	Twin City Independent	114 25	
	Evening Chronicle	120 50	
Upper Sandusky (Wyandot)	The Daily Chief	123 00	
	Daily Wyandot Union-Republican	120 50	
Utica (Licking)	Utica Herald	123 63	
Van Wert (Van Wert)	The Daily Bulletin	117 38	
	Van Wert Republican	120 50	
	Van Wert Daily Times	117 38	
Vermillion (Erie)	Vermilion News	115 50	
Versailles (Darke)	Versailles Policy	118 63	
Wadsworth (Medina)	Wadsworth Banner-Press.	119 25	
Wapakoneta (Auglaize)	Daily News	119 25	
	Auglaize County Democrat	119 25	
	Auglaize Republican	115 50	
Warren (Trumbull)	Warren Tribune	133 00	
	Warren Daily Chronicle	123 63	
	Western Reserve Democrat	119 25	
Washington C. H. (Fayette)	Fayette Advertiser	123 00	
	Washington Daily Herald.	116 13	
	Record Republican	129 88	
	Ohio State Register	117 75	
Wauseon (Fulton)	The Democratic Expositor	114 25	
	Fulton County Tribune	123 63	
	Wauseon Republican	117 37	
Waverly (Pike)	Waverly Democrat	114 25	
	Waverly News	122 06	
Waynesfield (Auglaize)	Waynesfield Chronicle	115 82	
Waynesville (Warren)	Miami Gazette	113 63	
Wellington (Lorain)	Wellington Enterprise	118 75	
Wellston (Jackson)	Wellston Transcript	114 25	
	Wellston Telegram	117 38	
	Daily Sentinel	114 25	
West Jefferson (Madison)	West Jefferson News	114 25	
West Liberty (Logan)	West Liberty Banner	116 50	
West Mansfield (Logan)	Enterprise	115 50	

Appropriation to pay newspaper advertising of constitutional amendments.

City or Town and County.	Newspaper.	Total Amount.
West Milton (Miami)	West Milton Record	117 38
West Union (Adams)	Adams County Record	133 00
	People's Defender	120 50
West Unity (Williams)	West Unity Reporter	115 50
Williamsport (Pickaway)	The Williamsport News	111 00
Willoughby (Lake)	Willoughby Independent	113 00
Wilmington (Clinton)	Clinton Republican	118 00
	Clinton County Democrat	115 50
	Wilmington Journal	126 75
Woodsfield (Monroe)	Monroe County Republican	117 38
	Monroe Courier	115 50
	Sentinel	119 25
	Spirit of Democracy	119 85
Woodville (Sandusky)	Woodville News	111 75
Wooster (Wayne)	The Wooster Daily Republican	126 75
	Wayne County Democrat	126 75
Xenia (Greene)	Xenia Herald and Democrat News	121 75
	Greene County Tribune	114 25
	Xenia Republican	123 63
	Xenia Gazette	131 75
Yellow Springs (Greene)	Yellow Springs News	114 25
Youngstown (Mahoning)	Vindicator	195 50
	Youngstown Telegram	198 63
	Youngstown Rundschau	109 00
Zanesville (Muskingum)	Labor Journal	114 25
	Zanesville Post	108 40
	Sunday News	160 50
	Times-Recorder	201 75
	Zanesville Daily Courier	129 88
	Signal Company	164 25
	Total	$62,891 71

This bill requires no sectional numbering.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 6th, 1913.
Approved February 27th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 28th, 1913.

23 G.

[House Bill No. 104.]

AN ACT

To provide against fraudulent advertising.

Be it enacted by the General Assembly of the State of Ohio:

Section 13194

SECTION 1. Whoever, with intent to sell, or in any wise dispose of merchandise, securities, service, or anything offered by him, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, or deceptive, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail not exceeding twenty days or by both said fine and imprisonment.

Defining fraudulent advertising.

Penalty.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 19th, 1913.
Approved February 26th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 28th, 1913.
24 G.

[House Bill No. 381.]

AN ACT

To make partial appropriations for the last three-quarters of the fiscal year ending November 15, 1913, and the first quarter of the fiscal year ending February 15, 1914.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby, appropriated out of any moneys in the state treasury to the

Partial appropriations.

Partial appropriations.

credit of the general revenue fund, not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

Salary of adjutant general	$3,500 00
Salary of assistant adjutant general	2,000 00
Salary of assistant quartermaster general	2,000 00
Salary of superintendent of state arsenal	1,500 00
Salary of chief clerk	1,600 00
Salaries of six clerks at $1,200.00 each	7,200 00
Salary of bookkeeper	1,500 00
Contingent expenses	2,000 00
Salary of card file clerk	600 00
Transportation of indigent soldiers	100 00
Salaries of two stenographers at $900 each	1,800 00

STATE HOUSE AND GROUNDS.

Salary of superintendent and laborers	$900 00
Salary of engineer	1,000 00
Salaries of five firemen	4,120 00
Salaries of two visitors' attendants	1,440 00
Salaries of two custodians flag room	1,440 00
Salaries of two day policemen	1,440 00
Salaries of two night policemen	1,600 00
Salaries of twelve regular laborers	8,640 00
Salary of carpenter	700 00
Salaries of two elevator attendants	1,440 00
Electric current for state house	5,000 00
Care and repair heating apparatus	1,000 00
Fuel for state house	2,000 00
Material and repairs	2,000 00
Flags for state house	200 00

OHIO NATIONAL GUARD.

Maintenance Ohio National Guard	$50,000 00
State armory fund and rent	25,000 00

OHIO STATE BOARD OF AGRICULTURE.

Salary of secretary	$5,000 00
Salary of assistant secretary	2,600 00
Salary of chief clerk	1,400 00
Salary of fertilizer and feed clerk	1,400 00
Salary of deputy inspector of fertilizer and feed	1,320 00
Salary of mailing clerk	1,200 00
Salary of purchasing agent and farm supervisor	1,800 00
Salary of superintendent of state fair grounds	1,000 00
Salary of bookkeeper	1,000 00

Partial appropriations.

Salaries of three stenographers; one at $1,000, one at $900, and one at $720	2,620 00
Salary of chief inspector of nurseries and orchards	2,200 00
Salary of chief deputy inspector of nurseries and orchards	1,200 00
Salaries of five deputy inspectors of nurseries and orchards; four at $1,080 and one at $900	5,220 00
Salary of state veterinarian	3,600 00
Salary of assistant state veterinarian	1,600 00
Salary of chief field veterinarian	1,600 00
Salaries of four veterinarians	4,800 00
Salary of specialist, tuberculosis investigations	2,000 00
Salary of pathologist	2,000 00
Salary of assistant pathologist	1,400 00
Salaries of four laborers at serum plant	2,700 00
Salary of stenographer and shipping clerk at serum plant	900 00
Salary of messenger	840 00
Encouragement of agriculture	5,000 00
Suppression and prevention of disease among live stock	2,000 00
Ordinary repairs and improvements on state fair grounds	2,000 00
Contingent expenses	2,000 00
Expenses of officers, employes and members of board	5,000 00
Supplementary farmers' institute work	2,000 00
Apiary inspection	1,000 00
Roads and drainage	1,000 00
Painting buildings	1,000 00
Salaries of extra inspectors	2,000 00
Part salaries of field veterinarians	5,000 00
Part salaries of six stenographers, two at $1,000.00, one at $840, two at $600 and one at $480	2,000 00
Part salaries of ten deputy inspectors of nurseries and orchards; five at $1,080 and five at $900	4,000 00
Part salaries of eighteen laborers at serum plant; one at $840, five $720, four at $600 and eight at $540	3,000 00
Receipts and balances	

ATTORNEY GENERAL.

Salary of attorney general	$6,500 00
Salary of assistant attorney general	4,000 00
Salary of second assistant attorney general	2,500 00
Salary of chief clerk	1,500 00
Salary of Willis tax clerk	1,200 00
Salaries of two stenographers at $1,200 each	2,400 00

Partial appropriations.

Stenographic work	5,000 00
Salary of messenger	600 00
Salary of janitor	600 00
Special counsel	10,000 00
Costs in cases brought by state	500 00
Contingent expenses	500 00
Traveling expenses	500 00

AUDITOR OF STATE.

Salary of auditor of state	$6,500 00
Salary of deputy auditor of state	3,000 00
Salary of chief clerk	2,400 00
Salaries of three inspectors and examiners of departments of state and institutions	6,400 00
Salary of bookkeeper and sinking fund clerk	2,400 00
Salary of assistant bookkeeper	1,950 00
Salary of liquor tax deputy	2,000 00
Salary of land clerk	1,500 00
Salary of filing clerk	1,600 00
Salary of secretary and cashier	1,500 00
Salary of general clerk	1,500 00
Salary of excise clerk	1,500 00
Salary of settlement clerk	1,500 00
Salary of statistical clerk	1,500 00
Salary of transcribing and record clerk	1,500 00
Contingent expenses	2,400 00
Salary of extra clerk	1,200 00
Salary of messenger	1,000 00
Salary of janitor	600 00
Traveling expenses	1,000 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	$2,000 00
Publications	1,000 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members	$1,000 00
Salary of stenographer	720 00

SUPERINTENDENT OF BANKS.

Salary of superintendent	$5,000 00
Salary of deputy superintendent	2,400 00
Salary of chief clerk	1,800 00
Salaries of office clerks	3,000 00
Salaries of stenographers	1,800 00
Rent of offices	2,150 00
Salaries of examiners and assistants	24,000 00
Contingent fund	1,000 00
Traveling expenses	10,000 00

Partial appropriations.

BOARD OF STATE CHARITIES.

Salary of secretary	$2,400 00
Salary of agent	1,800 00
Salary of cashier	1,200 00
Salaries of stenographer and clerks	2,720 00
Salaries of five assistant agents at $1,500 each.	7,500 00
Contingent expenses	500 00
Rent of offices	1,627 50

STATE BOARD OF HEALTH.

Salary of secretary	$3,500 00
Salary of assistant secretary	3,000 00
Salary of chief engineer	3,000 00
Salary of bacteriologist	3,000 00
Salary of epidemiologist	2,000 00
Salary of state inspector of plumbing	1,800 00
Salaries of four assistant engineers	4,800 00
Salaries of three laboratory assistants	4,240 00
Salary of record clerk	1,200 00
Salary of correspondence clerk	1,000 00
Salaries of three general clerks	2,170 00
Salaries of three stenographers	1,980 00
Salaries of three laboratory helpers	1,560 00
Salary of mailing clerk and messenger	660 00
Salaries of extra clerks	720 00
Apparatus, fittings and supplies, engineering department and laboratory	2,000 00
Contingent expenses	2,000 00
Office rent	2,000 00
Traveling expenses, inspector of plumbing	200 00

OHIO STATE BOARD OF PARDONS.

Salaries of members of board of pardons	$3,800 00

BOARD OF PUBLIC WORKS.

Salary of superintendent	$2,000 00
Traveling expenses of engineers	500 00
Salary of secretary	500 00
Salary of stenographer and clerk	900 00
Contingent expenses	500 00
Land department	5,000 00

DAIRY AND FOOD COMMISSIONER.

Salary of commissioner	$4,000 00
Salaries of two assistant commissioners at $1,200 each	2,400 00
Expenses of two assistant commissioners	1,500 00
Salary of chief inspector	2,000 00
Salary of chief clerk	1,200 00

Partial appropriations.

Salaries of two clerks	2,200 00
Salaries of extra clerks and inspectors	1,720 00
Salary of chief inspector of weights and measures	1,500 00
Traveling expenses of inspector of weights and measures	1,000 00
Salaries of two inspectors of drugs at $1,200 each	2,400 00
Salaries of two inspectors of dairies at $1,200 each	2,400 00
Traveling expenses of inspectors of drugs, dairies and foods	7,000 00
Salaries of twelve inspectors for the collection of liquor tax at $1,300 each	15,600 00
Traveling expenses of liquor tax inspectors	3,000 00
Contingent expenses for collection of liquor tax	2,000 00
Inspection, analyses and publication	7,000 00
Contingent expenses	500 00
Expenses of delegates to national food and national weights and measures conventions	350 00
Salaries of five inspectors of foods at $1,200 each	6,000 00
Salaries of two assistant inspectors of weights and measures	2,200 00

CHIEF EXAMINER OF STEAM ENGINEERS.

Salary of chief examiner	$3,000 00
Salary of assistant chief examiner	1,800 00
Salaries of ten district examiners at $1,500 each	15,000 00
Salaries of two clerks, one at $1,200 and one at $1,000	2,200 00

DEPARTMENT OF BOARD OF BOILER RULES.

Salaries of four members of board at $1,000 each	$4,000 00
Salary of chief examiner of steam engineers and chief inspector of steam boilers	1,200 00
Salary of assistant chief inspector of steam boilers	3,000 00
Salaries of ten general inspectors of steam boilers at $1,800 each	18,000 00
Salary of clerk of board	1,800 00
Part salaries of four clerks at $1,200 each	1,500 00
Part salaries of three clerks at $900 each	1,500 00
Contingent expenses	2,000 00
Furniture and carpets	200 00
Rent	900 00

COMMISSIONERS OF FISH AND GAME.

Partial appropriations.

General expense	$5,000 00
Fish hatcheries at London	1,500 00
Patrol boats, balances and	2,000 00
Inland fish propagation	1,000 00

BUREAU OF LABOR STATISTICS.

Salary of commissioner	$3,000 00
Salary of chief clerk	1,500 00
Salary of stenographer	900 00
Part salaries of clerks	2,160 00
Contingent expenses	4,000 00
Employment offices—	
Salaries of five superintendents at $1,500 each	7,500 00
Part salaries of five clerks	2,000 00

COMMISSIONERS OF PUBLIC PRINTING.

Printing paper	$20,000 00
Clerk of printing commission	500 00
Printing paper and supplies for the Ohio agricultural experiment station	500 00

OHIO SOLDIERS' CLAIMS.

Salary of commissioner	$2,500 00
Salaries of two clerks at $720 each	1,440 00
Salaries of extra clerks	1,240 00
For compensation to Ohio soldiers serving during the civil war under the provisions of Senate Joint Resolution No. 76, adopted May 9, 1908	1,000 00

STATE COMMISSIONER OF COMMON SCHOOLS.

Salary of commissioner	$4,000 00
Salaries of two school inspectors at $2,000 each	4,000 00
Traveling expenses of two school inspectors at $750 each	1,500 00
Salaries of four supervisors of agriculture at $2,000 each	8,000 00
Traveling expenses of supervisors of agriculture	2,000 00
Salary of chief clerk	1,750 00
Salary of examiner	1,500 00
Salary of statistician	1,400 00
Salary of stenographer	720 00
Salary of correspondence clerk	720 00
Salary of messenger and shipping clerk	720 00

Partial appropriations.

Per diem and expenses of state board of school examiners	750 00
Contingent expenses	1,000 00
Publication and distribution of Arbor day annual	500 00

EXECUTIVE DEPARTMENT.

Salary of governor	$10,000 00
Salary of lieutenant governor	1,500 00
Salary of secretary to the governor	5,000 00
Salary of executive clerk	3,000 00
Salary of commission clerk	1,500 00
Salary of corresponding clerk	1,500 00
Furniture and carpets	1,000 00

STATE HIGHWAY DEPARTMENT.

Salary of commissioner	$4,000 00
Salary of chief clerk	1,500 00
Contingent expenses	2,000 00
Rent of offices	2,000 00
Salaries of three deputy commissioners at $3,000 each	9,000 00
Experimental road work	2,000 00
For equipping and operating laboratory for testing road building materials and for services and expenses in collecting samples of said materials	2,000 00
Traveling expenses of commissioner, three deputies and twelve engineers	5,000 00
Salary of clerks or stenographers	7,200 00
Services and expenses in preparing highway map of Ohio	500 00
Road maintenance and repair—	
Receipts and balances of an act "To provide for the registration, identification and regulation of motor vehicles," passed May 8, 1908, and acts amendatory and supplementary thereto	
Salary of division engineers	16,000 00

CHIEF INSPECTOR OF MINES.

Salary chief inspector	$3,000 00
Salaries twelve district inspectors at $1,800 each	5,000 00
Traveling expenses twelve district inspectors at $900 each	3,000 00
Salary of chief clerk	1,200 00
Salary of stenographer	900 00
Salaries of extra clerks	1,000 00

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Partial appropriations.

Salary of chief inspector	$3,000 00
Traveling expenses of chief inspector	600 00
Salary of assistant chief inspector	2,500 00
Salary of second assistant chief inspector	2,000 00
Traveling expenses of assistant chief inspectors	500 00
Salary of high explosive inspector	2,000 00
Salaries of twenty-two district and two bakeshop inspectors at $1,200 each	28,800 00
Traveling expenses of twenty-five inspectors	8,000 00
Salaries of eight lady visitors, $1,200 each	9,600 00
Traveling expenses of eight lady visitors	2,000 00
Salary of chief clerk	1,800 00
Salary of statistician	1,500 00
Salary of clerk	1,200 00
Salaries of three stenographers at $840 each	2,520 00
Contingent expenses	500 00
Rent of offices—Columbus	1,680 00
Rent of offices—Cleveland and Cincinnati	480 00

INSURANCE DEPARTMENT.

Salary of superintendent	$6,000 00
Salary of deputy superintendent	2,400 00
Salary of actuary	2,400 00
Salaries of chief clerk, examiner, statistician, warden, bookkeeper, correspondence clerk, first assistant actuary, second assistant actuary, assistant examiner, assistant statistician, license clerk, mailing clerk, extra clerks and janitor	21,650 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Salary of deputy inspector and supervisor of bond investment companies	$3,000 00
Salary of inspector's clerk	1,400 00
Salary of statistician	1,350 00
Salary of correspondence clerk	1,200 00
Salary of chief clerk	1,350 00
Salary of mailing clerk	200 00
Salary of janitor	300 00
Part salary of examiners, nine at $1,800 each	5,000 00
Contingent expenses	200 00
Traveling expenses of examiners and deputy inspectors	2,000 00

JUDICIARY.

Salaries of judges	$540,000 00

Partial appropriations.

LEGISLATURE.

Salary and mileage of members	$150,000 00
Contingent expenses of the senate	4,000 00
Contingent expenses of the house	2,000 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Prosecution and transportation of convicts to Ohio penitentiary, Ohio state reformatory, and boys committed to boys' industrial school	$150,000 00

THE PUBLIC SERVICE COMMISSION.

Salaries of commissioners	$18,000 00

SECRETARY OF STATE.

Salary of secretary of state	$6,500 00
Salary of assistant secretary of state	3,000 00
Salaries of stationery clerk, statistician, assistant statistician, recording clerk, assistant recording clerk, proof reading clerk, corporation list clerk, corporation clerk, assistant corporation clerk, stenographer, corporation stenographer, mailing clerk, chief clerk, superintendent of shipping and distribution, shipping clerk, assistant shipping clerk, superintendent of book room and janitor, to be known as clerk hire	22,080 00

BUREAU OF VITAL STATISTICS.

Salary of state registrar	$2,000 00
Salary of chief statistician	1,500 00
Salary of statistical clerk	840 00
Salaries of two assistant statistical clerks, one at $840 and one at $720	1,560 00
Salary of editor	1,350 00
Salary of inspector	1,500 00
Salaries of six stenographers at $720 each	4,320 00
Salary of compiling clerk	900 00
Salary of assistant compiling clerk	720 00
Salary of chief card operator	720 00
Salaries of four assistant card operators at $600 each	2,400 00
Salary of chief certificate clerk	900 00
Salary of assistant certificate clerk	720 00
Salary of file clerk	720 00
Salary of shipping clerk	1,000 00
Salary of messenger	480 00

STATE LIABILITY BOARD OF AWARDS.

Partial appropriations.

Salaries of members of board	$15,000 00
Part of salary of secretary, two expert stenographers, actuary, assistant actuaries, chief clerk and clerks; actuarial, auditing, clerical, medical, inspection departments and messenger, to be known as clerical and departmental expenses	11,000 00
Contingent expenses	2,000 00
Rent of offices	600 00
Traveling expenses	1,750 00

STATE LIBRARY.

Salary of librarian	$3,000 00
Salary of assistant librarian	1,200 00
Salary of library assistants	3,000 00
Salary of assistant secretary and stenographer	900 00
Salary of document clerk	960 00
Books and papers	1,000 00
Contingent expenses and extra labor	2,000 00
Traveling library	5,000 00
Expenses of commission	100 00
Department library organization	2,000 00
Carpets and furniture	200 00
Salary of janitors	500 00

SUPERVISOR OF PUBLIC PRINTING.

Salary of supervisor	$2,000 00
Typewriting	300 00
State printing	30,000 00
Contingent expenses	300 00
Machinery and repairs	500 00
State bindery	20,000 00
Rent	6,300 00
Heat, light and power	600 00

SUPREME COURT AND LAW LIBRARY.

Salary of marshal and law librarian	$2,500 00
Salary of assistant librarian and chief clerk.	1,800 00
Salary of assistant librarian	1,200 00
Salary of first deputy marshal	1,350 00
Salary of second deputy marshal	1,200 00
Salary of third deputy marshal	1,000 00
Salary of first stenographer	1,200 00
Salary of second stenographer	1,000 00
Salary of messenger, law library	1,000 00
Contingent expenses, including porters	4,500 00
Furniture and carpets	500 00
Books and legal publications for law library	2,000 00
Ventilating court rooms and corridors; the unexpended balance in the fund for steel shelving.	

Partial appropriations.

CLERK OF SUPREME COURT.

Salary of clerk	$4,000 00
Salary of first deputy clerk	1,800 00
Salary of second deputy clerk	1,500 00
Salary of correspondence clerk	1,200 00
Salary of messenger, janitor and contingent expenses	1,500 00
Filing cases	100 00
Furniture and carpets	200 00

REPORTER OF SUPREME COURT.

Salary of reporter	$4,000 00
Contingent expenses	1,500 00

TAX COMMISSION OF OHIO.

Salaries of commission	$15,000 00
Employes	10,000 00
Contingent expenses	3,000 00
Rent of offices	4,500 00
Traveling expenses	3,000 00
Steel file cases	500 00

TREASURER OF STATE.

Salary of treasurer of state	$6,500 00
Night watchmen	1,800 00
Premium on bond of treasurer of state	1,800 00
Salaries of eight clerks	15,100 00

OHIO AGRICULTURAL EXPERIMENT STATION.

Administration	$10,000 00
Agronomy	4,500 00
Animal husbandry	5,000 00
Botany	2,000 00
Chemistry	2,000 00
Co-operation	5,000 00
Dairy husbandry	3,000 00
Entomology	3,000 00
Forestry	3,000 00
Horticulture	5,000 00
Nutrition	2,000 00
Soils	5,000 00

BOARD OF ADMINISTRATION.

Maintenance	$400,000 00
Repairs	75,000 00

OHIO COMMISSION FOR THE BLIND.

Partial appropriations.

Current expenses and prevention of blindness, balances and	$4,000 00
Salaries of officers, teachers and commissioners' expense, balances and	4,000 00
Industrial aid, balances and	6,000 00
Completing census and field work, balances and	

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expense	$30,000 00
Salaries of officers, teachers and trustees' expenses	10,000 00
Ordinary repairs and improvements	3,000 00
Furniture and carpets	500 00
Religious services, amusements, library and pictures	500 00

OHIO UNIVERSITY, ATHENS, OHIO.

Apparatus and equipment for university purposes	$1,000 00
Repairs and improvements of buildings and grounds	2,000 00
Maintenance and equipment of the state normal college	15,000 00
Summer session	10,000 00
Building for the training school of the state normal college and equipment, to cost $55,000.00 complete	27,500 00

OHIO STATE UNIVERSITY.

Equipment power house	$14,000 00
Uses and purposes of library	5,000 00
Summer session	10,000 00
Repairs and upkeep buildings, grounds	15,000 00
Botany and zoology building	75,000 00
Tunnel to archæological museum	7,800 00
Store room and receiving department building	11,000 00
New roof on gymnasium	2,000 00

WILBERFORCE UNIVERSITY.

Current expenses	$3,600 00
Ordinary repairs and improvements	2,000 00
Industrial departments	2,000 00

Partial appropriations.

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

General expense, receipts and balances, for the purpose of creating a reserve fund, to be credited to the public audit expense account, from which to pay monthly the compensation of state examiners, assistant state examiners and other expenses of auditing the several taxing districts of the state, said fund to be wholly reimbursed by collections from the various taxing districts as now provided by law.. $25,000 00

Moneys may be expended only for the purpose specifically appropriated.

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1913, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition or voucher presented to the auditor, approved by the head of a department or by the trustees of an institution or by the members of a board or commission, or by an officer or employe of such department, institution, board or commission, specially designated by resolution or order to approve such requisitions or vouchers, a copy of which resolution or order shall be filed with the auditor of state. Such requisitions or vouchers shall set forth, in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing the competitive bids were secured or that it

was an emergency requiring purchase; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of such receipts and expenditures, as may be required by the auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with. The auditor of state is required to withhold salaries of heads of departments and institutions until the above provisions are fully complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed for any amount herein appropriated.

Money shall be paid on approved itemized requisition or voucher.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

This act does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed February 27th, 1913.
Approved February 28th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 28th, 1913. 25 G.

[House Bill No. 319.]

AN ACT

To amend section 5649-5b of the General Code, relating to taxation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5649-5b of the General Code be amended to read as follows:

Sec'n 5649-5b.

Sec. 5649-5b. If a majority of the electors voting thereon at such election vote in favor thereof, it shall be lawful to levy taxes within such taxing district at a rate not to exceed such increased rate for and during the period provided for in such resolution, but in no case shall the combined maximum rate for all taxes levied in any year in any county, city, village, school district, or other taxing district, under the provisions of this and the two preceding sections and sections 5649-1, 5649-2 and 5649-3 of the General Code as herein enacted, exceed fifteen mills.

Result.

Maximum levy fifteen mills.

SECTION 2. That said original section 5649-5b of the General Code be, and the same is hereby, repealed.

The sectional number on the margin hereof is designated as provided by law
TIMOTHY S. HOGAN,
Attorney General

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 27th, 1913.
Approved February 28th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 28th, 1913. 26 G.

[House Bill No. 79.]

AN ACT

To amend section 3496 of the General Code, relating to the burial of paupers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3496 of the General Code be amended to read as follows:

Section 3496.

Pauper dying in benevolent institution; burial of by county.

Sec. 3496. In a county in which is located a state benevolent institution, the board in control of said institution shall pay all expenses of the burial of a pauper that dies in such institution, except when the body is delivered in accordance with the provisions of section 9984 of the General Code, and send an itemized bill of the expenses thereof to the county commissioners of the county from which the pauper was sent to the institution. Such county commissioners shall immediately pay the bill to such board in control.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 3496 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 19th, 1913.
Approved March 4th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 6th, 1913. 27 G.

[House Bill No. 19.]

AN ACT

To amend section 10572 of the General Code, relative to widow or widower, electing to take under a will.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10572 of the General Code be amended to read as follows:

Section 10572.

Election to take under the will; effect of.

Sec. 10572. If the widow or widower elects to take under the will, she or he shall be thereby barred of dower and such share of personalty, and shall take under the will alone, unless as provided in section ten thousand five hundred and sixty-nine. But an election to take under the will does not bar the right to remain in the mansion of the deceased consort, or the widow to receive one year's allow-

ance for the support of herself and children, as provided by law, unless the will expressly otherwise directs.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 10572 of the General Code be, and the same hereby is, repealed.

JOHN H. LOWRY,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 11th, 1913.
Approved March 4th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 6th, 1913.
28 G.

[Senate Bill No. 75.]

AN ACT

To amend section 5017 of the General Code, relating to the contents of the official ballot.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5017 of the General Code be amended to read as follows:

Section 5017.

Sec. 5017. Every ballot intended for the use of electors, printed in accordance with the provisions of this chapter, shall contain the names of all the candidates, whose nominations for any offices specified in the ballot have been duly made and not withdrawn in accordance herewith, arranged in tickets or lists under the respective party or political or other designation certified; except that at the elections when presidential electors are to be voted for the names of all candidates for presidential elector shall be printed on a separate ballot. On the separate ballot for presidential electors, the secretary of state shall place the names of the candidates for president and vice-president on the ticket, immediately following the name of the party and immediately preceding the names of the presidential electors.

Contents of official ballot.

Candidates for presidential elector on separate ballot.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 5017 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 12th, 1913.
Approved March 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 6th, 1913.
29 G.

[House Bill No. 180.]

AN ACT

To abolish county blind relief commissions and to extend the duties and powers of the county commissioners, to amend sections 2967, 2967-1, and 2968, and to repeal sections 2962, 2963, and 2964 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2962, 2963, and 2964 be repealed and that sections 2967, 2967-1, and 2968 of the General Code be amended to read as follows:

Section 2967.

Applications for relief, when and where filed.

Sec. 2967. At least ten days prior to action on any claim for relief hereunder, the person claiming shall file with the board of county commissioners a duly verified statement of the facts bringing him within these provisions. The list of claims shall be filed in a book kept for that purpose in the order of filing, which record shall be open to the public. No certificate of qualification of drawing money hereunder shall be granted until the board of county commissioners shall be satisfied from the evidence of at least two reputable residents of the county, one of whom shall be a registered physician, that they know the applicant to be blind and that he has the residential qualifications to entitle him to the relief asked. Such evidence shall be in writing, subscribed to by such witnesses, and be subject to the right of cross examination by the board of county commissioners or other person. If the board of county commissioners be satisfied upon such testimony that the applicant is entitled to relief hereunder, said board shall issue an order therefor in such sum as said board finds needed, not to exceed one hundred and fifty dollars per annum, to be paid quarterly from the funds herein provided on the warrant of the county auditor, and such relief shall be in place of all other relief of a public nature.

Evidence required.

Maximum relief.

Section 2967-1.

Sec. 2967-1. If the board of county commissioners, in the examination of the qualifications of any person filing a claim for relief hereunder, or who may have been allowed relief by such board, shall determine upon the evidence of a registered physician and surgeon, that any person or persons making such claims or then on such lists might have such disability benefited or removed by proper surgical operation or medical treatment, and such person entitled to such relief files his consent in writing thereto, then the board of county commissioners may expend for the purpose of such surgical operation or medical treatment, all or any portion of the relief which the board of county commissioners may award to such person for one year under the provisions of this act; and in such case the warrant of the county auditor shall be issued direct to the persons entitled to pay for such surgical operation or medical treatment upon the certificate of the board of county commissioners, instead of being payable quarterly to the person entitled to such relief.

County commissioners may, with the consent of the claimant, expend an amount equal to one year's allowance for operation or treatment.

Section 2968. Sec. 2968. The board of county commissioners annually shall make examination as to qualifications of any one on the blind list, and increase or decrease the amount within the limits herein prescribed. If not satisfied that the person on the list is qualified to draw his money, said board shall remove such person from the list, and shall forthwith notify the auditor of such action. And the board of county commissioners may at any time during the year inquire into the qualifications and examine as to the disability and needs of any person theretofore placed on such blind list; and in case said board finds that any person is not qualified to draw further relief, or that such disability has been removed in whole or in part, then said board may at any time thereafter during such year, modify or change the amount theretofore found necessary for such relief, or remove such person from the list qualified to draw any money for relief, and said board shall forthwith notify the county auditor of its action so taken.

Increase or decrease of allowance.

Board may discontinue or diminish allowance.

SECTION 2. That said original sections 2967, 2967-1 and 2968, and sections 2962, 2963 and 2964 of the General Code be and the same are hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 18th, 1913.
Approved March 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 10th, 1913. 30 G.

[Senate Bill No. 163.]

AN ACT

To amend section 712 of the General Code so as to provide for the appointment of a deputy superintendent of banks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 712 of the General Code be amended so as to read as follows:

Section 712. Sec. 712. The governor shall appoint a deputy superintendent of banks, whose appointment shall be in writing and recorded in the office of the secretary of state. During the absence or disability of the superintendent of banks, or when so directed by the governor, the deputy superintendent of banks shall have all the powers and perform all the duties of the superintendent of banks. Before entering upon the discharge of the duties of his office, the deputy superintendent of banks shall give a bond to the state of Ohio in the sum of ten thousand dollars ($10,-

Deputy superintendent of banks.

Bond.

000.00), conditioned for the faithful discharge of the duties of his office. The deputy superintendent of banks shall hold his office subject to the pleasure of the governor and shall receive an annual salary of two thousand and four hundred dollars ($2,400.00), payable in the same manner as the salaries of other state officials. Until a specific appropriation is made for the payment of the salary of the deputy superintendent of banks his salary shall be paid out of the appropriation now made for the superintendent of banks.

Salary.

With the approval of the governor, the superintendent of banks may employ from time to time necessary clerks and examiners to assist him in the discharge of the duties imposed upon him by law. With such approval, he may remove any such clerks or examiners.

Employment of clerks and examiners.

SECTION 2. That original section 712 of the General Code be and the same is hereby repealed.

SECTION 3. This act is hereby declared to be an emergency act, and that its enactment is necessary for the immediate preservation of public peace and safety. The necessity therefor lies in the fact that the present superintendent of banks, at his own request, is relieved from duty, and, until a deputy superintendent of banks is authorized and appointed, there is no official with power to exercise the powers and duties cast by law upon the superintendent of banks.

Emergency act.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 19th, 1913.
Approved March 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 10th, 1913. 31 G.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 150.]

AN ACT

Relating to sale of certain state lands in the city of Delphos, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The governor, by and with the approval of the superintendent of public works, be and he is hereby empowered to grant and convey to the city of Delphos, Ohio, the following real estate, to-wit:

Authority to sell real estate to city of Delphos.

All that part of the state land in the southeast quarter of section number twenty-four (24) in township number two (2) south, of range number (4) east, in Van Wert county, Ohio, described as follows:

Description of land to be sold.

That portion of the state water power lot in the village of Delphos, and being the portion of the southeast quarter of the southeast quarter of section 24, town 2, south, range 4 east, Van Wert county, Ohio, that was deeded by Samuel Forrer to the state of Ohio by deed dated October 24, 1834, commencing at a point in the south line of said section 24, that is 14.6 feet east of the west line of Canal street in said village and running thence northward on a line parallel to and 14.6 feet east of the west line of said Canal street, a distance of 220 feet to the south line of Fourth street in said village; thence easterly along the south line of said Fourth street 46.8 feet; thence northerly, at right angles, 80 feet; thence easterly at right angles, 18.6 feet; thence southerly on a line parallel to and 80 feet east of the westerly line of Canal street in said village, a distance of 300 feet to the south line of said section 24; thence westerly along the south line of said section 65.4 feet to the place of beginning.

Grant subject to certain lease.

SECTION 2. This grant to the village of Delphos is made subject to the lease made by the state of Ohio to Dolby and Morton under date of May 14th, 1907.

Cancellation of lease to Delphos.

SECTION 3. As soon as the governor executes the deed for the above described property, the superintendent of the public works is authorized and directed to cancel the lease granted to the said village on the 8th day of September, 1908.

Consideration.

SECTION 4. Said conveyance is to be made upon the condition that said city of Delphos pay into the state treasury such sum of money as the governor and the superintendent of public works may determine to be the reasonable value of said premises.

It is not necessary to assign sectional code numbers to this act.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 19th, 1913.
Approved March 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 10th, 1913. 32 L.

[House Bill No. 21.]

AN ACT

To amend section 13108 of the General Code, relating to the selling of berries and other small fruits.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13108 of the General Code be amended to read as follows:

Section 13108.

Standard measure for small fruits.

Sec. 13108. Whoever, in selling berries or other small fruits, uses a measure other than the standard dry measure half-bushel or an aliquot part thereof; shall be fined not less than ten dollars nor more than fifty dollars.

SECTION 2. That said original section 13108 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed February 12th, 1913.
Approved March 10th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 11th, 1913. 33 G.

[House Bill No. 91.]

AN ACT

To provide for water closets and drinking water in interurban cars.

Be it enacted by the General Assembly of the State of Ohio:

Sec'n 12788-1.

Penalty for operating interurban cars without water closet and drinking water for use of passengers.

SECTION 1. Whoever engages in the operating of interurban car or cars, for a greater distance than ten miles, and does not place and maintain within such car or cars, so run or operated, a water closet or dry hopper closet, properly and sanitarily constructed, and suitable drinking water for the use of the passengers of such car or cars, shall be fined not less than $500.00 nor more than $1,000.00.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed February 27th, 1913.
Approved March 11th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 12th, 1913. 34 G.

[House Bill No. 34.]

AN ACT

To amend section 4252 of the General Code, relating to the manner of filling vacancies in offices in municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4252 of the General Code be amended to read as follows:

Section 4252.

Sec. 4252. In case of death, resignation, removal or disability of any officer or director in any department of any municipal corporation, unless otherwise provided by law, the mayor thereof shall fill the vacancy by appointment, and such appointment shall continue for the unexpired term and until a successor is duly appointed, or duly elected and qualified, or until such disability is removed.

Mayor shall fill vacancy in office or department.

SECTION 2. That said original section 4252 of the General Code be, and the same is hereby, repealed.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 25th, 1913.
Approved March 11th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 12th, 1913.
35 G.

[House Bill No. 133.]

AN ACT

To amend section 2183 of the General Code and to supplement it by enacting added sections to be known as sections 2183-1 and 2183-2 of the General Code to provide for the working of convicts imprisoned in the Ohio penitentiary, and to repeal section 2208 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2183 of the General Code be amended and supplemented by additional sections 2183-1 and 2183-2 to read as follows:

ection 2183.

Sec. 2183. Under the direction of the state board of administration the warden may employ a portion of the convicts in the manufacture of articles used by the state in carrying on the penitentiary, procure machinery and prepare shop room for that purpose. He may also employ a portion of the convicts in the preparation and manufacture of any or all forms of road making material for use in the construction, improvement, maintenance, and repair or the main market roads and highways within the state

Warden may employ convicts on certain work for the state.

of Ohio. For such purposes the state board of administration is authorized with the approval of the governor to purchase the necessary land, quarries, buildings, machinery, and to erect buildings and shops for said purposes, and employ such persons as may be necessary to instruct the convicts in such manufacture. The terms and manner of employment of such persons shall be fixed and determined by the board.

Authority to purchase lands, buildings and equipments and employ persons to instruct convicts.

Section 2183-1

Sec. 2183-1. A strict account shall be kept of the labor of such convicts so employed or assigned to the manufacture of such articles, or road-making material. Such convicts may receive credit for such portions of the amount of their labor as the board deems equitable and just, taking into account the character of the prisoners, the nature of the crime for which they are imprisoned, and their general deportment. Such amount so determined shall be credited to each prisoner as his earnings, and it may be paid to him or his family, or those dependent upon him, in such amounts, at such time, and in such manner, as such board deems best; but at least ten per cent. of such earnings shall be kept for and paid to such convict at the time of his discharge. The warden, with the approval of such board, for a violation of the rules, want of propriety, or other misconduct, may cancel a portion of such credit or credits.

Account shall be kept of labor employed.

Such credit may be given convicts as deemed equitable and paid to convicts or family.

Section 2183-2

Sec. 2183-2. Such board is authorized to adopt such rules and regulations applicable to convicts employed in such manner. It is further authorized to make and enter into such contract, or contracts, for the sale of such road materials, with any department or subdivision of the state of Ohio and for furnishing and delivering any such road material for use upon the public roads and highways of said state.

Board authorized to adopt rules and enter into contracts for sale of road materials.

SECTION 2. That said original section 2183 and section 2208 of the General Code are hereby repealed, and this act shall take effect from and after the earliest period allowed by law.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 25th, 1913.
Approved March 11th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 12th, 1913. 36 G.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 44.]

AN ACT

To amend section 3138-1 of the general code, relative to furnishing aid to indigent poor persons, in counties in which there is no charity hospital.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3138-1 of the General Code be amended to read as follows:

Section 3138-1

Sec. 3138-1. That the board of county commissioners of any county may enter into an agreement with a corporation or association, organized for charitable purposes, or if there is no such corporation or association, then with any corporation or association organized for the purpose of maintaining and operating a hospital in any county where a hospital has been established, or may hereafter be established, for the care of the indigent sick and disabled, excepting persons afflicted with pulmonary tuberculosis, upon such terms and conditions as may be agreed upon between said commissioners, and such corporation or association, and said commissioners shall provide for the payment of the amount agreed upon, either in one payment, or installments, or so much from year to year as the parties stipulate.

County Commissioners may enter into agreement for care of the indigent sick, except those afflicted with tuberculosis.

SECTION 2. That said original section 3138-1 of the General Code be, and the same is hereby repealed.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 27th, 1913.
Approved March 11th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 12th, 1913.
37 G.

[House Bill No. 49.]

AN ACT

To amend section 972 of the General Code relating to the right of action in case of death in a mine.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 972 of the General Code be amended to read as follows:

Section 972.

Sec. 972. In case of an injury to persons or property, occasioned by a violation of any of the provisions of this act or any wilful failure to comply with any provisions of

Person injured in mine caused by violation of law shall have right of action.

this act by any owner, lessee or agent of a mine, a right of action shall accrue to the person injured, for any direct damage he may have sustained thereby. In case of loss of life, by reason of such failure or wilful neglect, a right of action shall accrue to the widow, and children, or if there be none such, then to the parents and next of kin, of the person whose death was so caused, for like recovery of damages for the injury they shall have sustained.

Right of action shall accrue to widow and children, etc., in case of death.

Each person who performs labor in opening or developing any coal mine, mining coal, and labor connected therewith, shall have a lien upon all the property of the person, firm or corporation owning, constructing or operating such mine, for the value of such labor for the full amount thereof, upon the same terms, as mechanic's liens are secured and enforced.

Lien upon property for labor performed.

SECTION 2. That said original section 972 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed February 25th, 1913.
Approved March 11th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 12th, 1913. 38 G.

[House Bill No. 221.]

AN ACT

To amend section 2939 of the general code, relative to relief for indigent soldiers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2939 of the General Code be amended to read as follows:

Section 2939.

Sec. 2939. To each person certified by the relief commission to the auditor, not included in any list furnished township clerks, the auditor shall issue his warrant upon the county treasurer for the monthly allowance awarded such person. Upon proper cause shown, such commission may appoint a suitable person to draw, receipt for and properly expend the allowance made to any person under these provisions, after such voucher or certificate is indorsed by the person for whom such allowance is intended, for the benefit of such person, and the indigent members of his family. And no part of such allowance shall be paid to any person without such indorsement. On the recommendation of a township or ward committee, the commission at any meeting, may increase, decrease or discontinue any allow-

Disbursement to those not on list.

Allowance shall not be paid to another without proper endorsement of voucher.

ance theretofore awarded, which action shall be certified to the county auditor, who shall amend his list in accordance therewith. How list may be amended.

SECTION 2. That said original section 2939 of the General Code be and the same is hereby repealed.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 27th, 1913.
Approved March 11th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 12th, 1913.
39 G.

[Senate Bill No. 97.]

AN ACT

To create a commission to conduct a survey of the public schools, normal schools, and the agricultural schools of the state, defining its powers, and providing appropriation therefore.

Be it enacted by the General Assembly of the State of Ohio:

Section 1386-1 SECTION 1. That the governor be and is hereby authorized to appoint a commission of three members to make a survey of the public schools, the normal schools, and the agricultural schools of the state, and the state administration of the same, to determine with what efficiency they are being conducted, and to report to the governor with recommendations. Such report shall be transmitted by the governor to the present general assembly of Ohio. Creation of commission to make a survey of the public, normal and agricultural schools.

ection 1386-2. SECTION 2. No member of such commission shall be compensated for his services, but each member shall be paid his necessary traveling expenses incurred in attending meetings or in performing other duties incidental to the work of the commission. Expenses.

ection 1386-3 SECTION 3. Such commission may employ and fix the compensation of the secretary and such investigators and other employes as may be necessary to carry out the purposes of the commission. Authority to employ secretary and others.

ection 1386-4 SECTION 4. The secretary, investigators and other employes, in addition to the compensation herein provided for, shall be paid their necessary traveling expenses and the other expenses necessarily incurred in the performance of their duties.

ection 1386-5 SECTION 5. The expenses incurred by such commission and the compensation and expenses of its secretary, investigators or employes for the purposes specified herein, shall be paid from the state treasury upon the warrant of the auditor of state when the vouchers therefor have Compensation and expenses; how paid.

been duly signed. The commission shall designate one of its members whose duty it shall be to sign all vouchers for accounts allowed by the commission, and the auditor of state shall honor no voucher which is not signed by such member.

Section 1386-6

Rooms, furniture, supplies, stationery, etc.

SECTION 6. The commission shall be empowered to provide suitable rooms, necessary office furniture, supplies, stationery, books, periodicals, maps and other furnishings and equipment, necessary to the performance of their duties.

Section 1386-7

Free access to all public records.

Powers of each member of commission.

SECTION 7. The commission shall have free access to all public records necessary for the carrying out of the duties herein prescribed. Each member of the commission shall have power to administer oaths, certify to public accounts, issue subpoenaes, compel the attendance of witnesses within the county of their residence and the production of papers, books, accounts, documents and other evidence. In case of disobedience on the part of any person to comply with any order of the commission or of any member thereof, or any subpoena issued in behalf of such commission, or on the refusal of any witness to testify concerning any matters regarding which he may be lawfully interrogated, the presiding officer shall make complaint thereof, in writing, to the probate judge of the county in which such witness resides, who shall issue a subpoena for the appearance of such person forthwith before him to give testimony. If any person so summoned fails to appear, or appearing, refuses to testify, he shall be subject to like proceedings and penalties for contempt as witnesses in actions pending in the probate court.

Procedure on failure to comply with any order of commission.

Section 1386-8

Appropriation.

SECTION 8. There is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, not to exceed the sum of ten thousand dollars for the purposes herein specified.

Section 1386-9

Emergency act.

SECTION 9. This act is hereby declared to be an emergency act and that its enactment is necessary for the immediate preservation of the public health, safety and welfare. The necessity therefor lies in the fact that the public health, safety and welfare requires that the present general assembly during its deliberation upon measures relating to education shall have as full information as possible on all these matters.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 26th, 1913.
Approved March 11th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 13th, 1913. 40 G.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 54]

AN ACT

To amend section 7965 of the General Code, relating to the duties of the state sealer of weights and measures.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7965 of the General Code be amended to read as follows:

Section 7965.

Sec. 7965. The state dairy and food commissioner shall be state sealer, and shall make, publish and enforce such rules and regulations as may be necessary to the prompt and effective enforcement of the weights and measures laws of this state. The standards of weights and measures adopted by the state shall be deposited in a suitable room at Columbus, and be by him kept in suitable cases, to be opened only for the purpose of comparing with such standards the copies which by law are furnished for the use of the several counties, cities or villages, unless by joint resolution of the general assembly, or upon a call of either house for information, or by order of the government for scientific purposes. The state dairy and food commissioner shall, upon the passage of this act, and once every three years thereafter, require each county auditor and city or village sealer, in this state, to present all standards of weights and measures in their possession to him for comparison with the standards adopted by the state, and the dairy and food commissioner shall condemn and destroy all of such standards as do not conform with the standards adopted by the state. Each county auditor and each city and village sealer shall be required to procure copies of all the original standards adopted by the state named in section seven thousand nine hundred and sixty-six of the General Code, except such standards now in their possession as the state dairy and food commissioner shall find to conform with the standards adopted by the state. It shall be the duty of the state dairy and food commissioner to advise and assist all county, city and village sealers, and generally be charged with the enforcement of all laws relating to weights and measures, and in the performance of such duties he may use the services of any persons employed under his department. The state dairy and food commissioner or any person employed by him for that purpose may try and prove any weights, measure, balance and any other weighing or measuring device, on request from any person, and when the same are found or made to conform to the state standards shall cause the same to be sealed and marked, as provided in section two thousand six hundred and sixteen of the General Code.

State sealer and standards of weights and measures.

All standards must be compared once every three years.

Sealers must procure copies of original standards adopted by the state.

Duties of dairy and food commissioner.

SECTION 2. That said original section 7965 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 20th, 1913.
Approved March 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 13th, 1913. 41 G.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General

[Amended Senate Bill No. 48.]

AN ACT

To further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78, 1465-79, of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Sec'n 1465-41a. SECTION 1. That in addition to the powers, duties and jurisdiction now conferred and imposed upon it by law, the state liability board of awards shall have and exercise the powers, duties and jurisdiction provided for in this act.

Additional powers and duties.

Section 1465-42. SECTION 2. The board shall keep and maintain its main office in the city of Columbus, and such branch office or offices in other cities of the state as it shall deem proper, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals and maps for the same. All necessary expenses shall be audited and paid out of the state treasury. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inserted the words "STATE LIABILITY BOARD OF AWARDS—STATE OF OHIO—OFFICIAL SEAL."

Main office in Columbus, but branch offices may be established.

Seal.

The board may hold sessions at any place within the state.

Section 1465-43. SECTION 3. The board may employ a secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants, and fix their compensation. Such employment and compensation shall be first approved by the governor and shall be paid out of the state treasury. The members of the board, secretary,

Employes.

Compensation.

actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants that may be employed shall be entitled to receive from the state treasury their actual and necessary expenses while traveling on the business of the board, and the members of the board may confer and meet with officers of other states and officers of the United States on any matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expense and allowed by the board.

Expenses.

Section 1465-45. SECTION 4. Every employer shall furnish the board, upon request, all information required by it to carry out the purposes of this act. In the month of January of each year, every employer of the state, employing five or more employes regularly in the same business, or in or about the same establishment, shall prepare and mail to the board, at its main office in the city of Columbus, Ohio, a statement containing the following information, viz.: the number of employes employed during the preceding year from January 1 to December 31st inclusive; the number of such employes employed at each kind of employment; and, the aggregate amount of wages paid to such employes, which information shall be furnished on a blank or blanks to be prepared by the board; and it shall be the duty of the board to furnish such blanks to employers free of charge, upon request therefor. Every employer receiving from the board any blank, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give to the board in writing good and sufficient reasons for such failure. The board may require that the information herein required to be furnished be verified under oath and returned to the board within the period fixed by it or by law. The board or any member thereof, or any person employed by the board for that purpose, shall have the right to examine, under oath, any employer, or the officer, agent or employe thereof for the purpose of ascertaining any information which such employer is required by this act to furnish to the board.

Annual statement of information by employer to the board.

Information may be required under oath.

Any employer who shall fail or refuse to furnish to the board the annual statement herein required, or who shall fail or refuse to furnish such other information as may be required by the board under authority of this section, shall be liable to a penalty of five hundred dollars, to be collected in a civil action brought against said employer in the name of the state; all such penalties, when collected, shall be paid into the state insurance fund and become a part thereof.

Penalty on failure to furnish information.

ection 1465-46. SECTION 5. The information contained in the annual report provided for in the preceding section, and such other information as may be furnished to the board by employers in pursuance of the provisions of said section, shall

Such information not open to public nor available in court proceedings unless the board a party.

Information may be tabulated and published as statistics.

be for the exclusive use and information of said board in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the board is a party to such action or proceeding; but the information contained in said report may be tabulated and published by the department, in statistical form, for the use and information of other state departments and the public. Any person in the employ of the board who shall divulge any information secured by him in respect to the transactions, property or business of any company, firm, corporation, person, association, co-partnership or public utility to any person other than the members of the board, while acting as an employe of the board, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and shall thereafter be disqualified from holding any appointment or employment with the board.

Penalty for divulging information secured as an employe.

Section 1465-53. Classification of occupations and fixing rates.

SECTION 6. The state liability board of awards shall classify occupations with respect to their degree of hazard, and determine the risks of the different classes and fix the rates of premium of the risks of the same, based upon the total payroll and number of employes in each of said classes of occupation sufficiently large to provide an adequate fund for the compensation provided for in this act, and to maintain a state insurance fund from year to year.

Section 1465-54. Lowest rate consistent with solvent state insurance fund and maintaining reasonable surplus.

SECTION 7. It shall be the duty of the state liability board of awards, in the exercise of the powers and discretion conferred upon it in the preceding section, ultimately to fix and maintain, for each class of occupation, the lowest possible rates of premium consistent with the maintenance of a solvent state insurance fund and the creation and maintenance of a reasonable surplus, after the payment of legitimate claims for injury and death that it may authorize to be paid from the state insurance fund for the benefit of injured and the dependents of killed employes; and, in order that said object may be accomplished, the board shall observe the following requirements in classifying occupations and fixing the rates of premium for the risks of the same:

Requirements in classifying occupations and fixing rates of premium; account.

1. It shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries, and the disbursements on account of injuries and death of employes thereof, and it shall also keep an account of the money received from each individual employer and the amount disbursed from the state insurance fund on account of injuries and death of the employes of such employer.

Surplus.

2. Ten per cent. of the money that has heretofore been paid into the state insurance fund and ten per cent. of all that may hereafter be paid into such fund shall be set aside for the creation of a surplus until such surplus shall amount to the sum of one hundred thousand dollars ($100,000.00) after which time the sum of five per cent.

of all the money paid into the state insurance fund shall be credited to such surplus fund, until such time as, in the judgment of the board, such surplus shall be sufficiently large to guarantee a state insurance fund from year to year.

Readjustment of rates.

3. On the first day of July, 1914, and semi-annually thereafter, a readjustment of the rates shall be made for each of the several classes of occupation or industry which, in the judgment of the board, have developed an average loss ratio, in accordance with the experience of the board in the administration of the law as shown by the accounts kept as provided herein.

Reduction of rate.

4. Should any such accounting show a balance remaining to the credit of any class of occupation or industry, after the above-mentioned amounts have been credited to the surplus fund and after the payment of all awards for injury or death lawfully chargeable against the same, the premium rate for such class shall be reduced; and, each individual member of such class, who has been a subscriber to the state insurance fund for a period of six months or longer prior to the time of such readjustment, and whose premium or premiums so paid to the fund exceeds the amount of the disbursements from the fund on account of injuries or death to his employes during such period, shall be entitled to a credit on the installment or installments of premium next due from him, the amount of which credit shall be such proportion of said balance as the amount of his prior paid premiums sustains to the whole amount of said premiums paid by the class to which he belongs since the last readjustment of rates.

Section 1465-55.

Rules and regulations relative to the collection and disbursement of fund.

SECTION 8. The state liability board of awards shall adopt rules and regulations with respect to the collection, maintenance and disbursement of the state insurance fund; one of which rules shall provide that in the event the amount of premiums collected from any employer at the beginning of any period of six months is ascertained and calculated by using the estimated expenditure of wages for the period of time covered by such premium payments as a basis, that an adjustment of the amount of such premium shall be made at the end of such six months period and the actual amount of such premium shall be determined in accordance with the amount of the actual expenditure of wages for said period; and, in the event such wage expenditure for said period is less than the amount on which such estimated premium was collected, then such employer shall be entitled to receive a refunder from the state insurance fund of the difference between the amount so paid by him and the amount so found to be actually due, or to have the amount of such difference credited on succeeding premium payments at his option, and should such actual premium, when ascertained as aforesaid exceed in amount the premium so paid by such employer at the beginning of such six months' period, such employer

Refunder.

shall immediately upon being advised of the true amount of such premium due, forthwith pay to the treasurer of state an amount equal to the difference between the amount actually found to be due and the amount paid by him at the beginning of said six months' period.

Section 1465-56.

Custodian of fund.

SECTION 9. The treasurer of state shall be the custodian of the state insurance fund and all disbursements therefrom shall be paid by him upon vouchers authorized by the state liability board of awards and signed by any two members of the board; or, such vouchers may bear the fac-simile signatures of the board members printed thereon, and the signature of the chief of the auditing department.

Section 1465-57.

Deposit of funds not required for immediate use.

SECTION 10. The treasurer of state is hereby authorized to deposit any portion of the state insurance fund not needed for immediate use, in the same manner and subject to all the provisions of the law with respect to the deposit of state funds by such treasurer; and all interest earned by such portion of the state insurance fund as may be deposited by the state treasurer in pursuance of authority herein given, shall be collected by him and placed to the credit of such fund.

Section 1465-58.

Investment of surplus or reserve fund.

SECTION 11. The state liability board of awards shall have the power to invest any of the surplus or reserve belonging to the state insurance fund in bonds of the United States, the state of Ohio, or of any county, city, village or school district of the state of Ohio, at current market prices for such bonds; provided that such purchase be authorized by a resolution adopted by the board and approved by the governor; and it shall be the duty of the boards or officers of the several taxing districts of the state in the issuance and sale of bonds of their respective taxing districts, to offer in writing to the state liability board of awards, prior to advertising the same for sale, all such issues as may not have been taken by the trustees of the sinking fund of the taxing district so issuing such bonds; and said board shall, within ten days after the receipt of such written offer either accept the same and purchase such bonds or any portion thereof at par and accrued interest, or reject such offer in writing; and all such bonds so purchased forthwith shall be placed in the hands of the treasurer of state, who is hereby designated as custodian thereof, and it shall be his duty to collect the interest thereon as the same becomes due and payable, and also the principal thereof, and to pay the same, when so collected, into the state insurance fund. The treasurer of state shall honor and pay all vouchers drawn on the state insurance fund for the payment of such bonds when signed by any two members of the board, upon delivery of said bonds to him when there is attached to such voucher a certified copy of such resolution of the board authorizing the purchase of such bonds; and the board may sell any of said bonds upon like resolution, and the proceeds thereof shall be paid

Duty of boards and officers in taxing districts, relative to sale of bonds.

When vouchers shall be honored in payment of bonds.

by the purchaser to the treasurer of state upon delivery to him of said bonds by the treasurer.

Section 1465-59. SECTION 12. The treasurer of state shall give a separate and additional bond in such amount as may be fixed by the governor, and with sureties to his approval, conditioned for the faithful performance of his duties as custodian of the state insurance fund. Additional bond.

Section 1465-60. SECTION 13. The following shall constitute employers subject to the provisions of this act: Employers subject to the provisions of this act.

1. The state and each county, city, township, incorporated village and school district therein.

2. Every person, firm, and private corporation including any public service corporation that has in service five or more workmen or operatives regularly in the same business, or in or about the same establishment under any contract of hire, express, or implied, oral or written.

Section 1465-61. SECTION 14. The terms "employe," "workman" and "operative" as used in this act, shall be construed to mean:

1. Every person in the service of the state, or of any county, city, township, incorporated village or school district therein, including regular members of lawfully constituted police and fire departments of cities and villages, under any appointment or contract of hire, express or implied, oral or written, except any official of the state, or of any county, city, township, incorporated village or school district therein. Provided that nothing in this act shall apply to policemen or firemen in cities where policemen's and firemen's pension funds are now or hereafter may be established and maintained by municipal authority under existing laws. "Employe," "workman" and "operative" defined. Exception.

2. Every person in the service of any person, firm or private corporation, including any public service corporation employing five or more workmen or operatives regularly in the same business, or in or about the same establishment under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work for hire under the laws of the state, but not including any person whose employment is but casual, or not in the usual course of trade, business, profession or occupation of his employer.

Section 1465-62. SECTION 15. Every employer mentioned in subdivision one of section thirteen hereof, shall contribute to the state insurance fund in proportion to the annual expenditure of money by such employer for the service of persons described in subdivision one of section fourteen hereof, the amount of such payments and the method of making the same to be determined as hereinafter provided. Contribution by state, county, city, township, etc.

Section 1465-63. SECTION 16. The amount of money to be contributed by the state itself, and by each county, city, incorporated village, school district or other taxing district of the state shall be, unless otherwise provided by law, a sum equal to one percentum of the amount of money expended by the state and for each county, city, incorporated village, school Amount to be contributed.

district or other taxing district respectively during the next preceding fiscal year for the service of persons described in subdivision one of section fourteen hereof.

Section 1465-64.

When warrant shall be drawn and payment made to credit of fund.

SECTION 17. In the month of January in the years 1914 and 1915, the auditor of state shall draw his warrant on the treasurer of state, in favor of said treasurer as custodian of the state insurance fund, and for deposit to the credit of said fund, for a sum equal to one percentum of the amount of money expended by the state during the last preceding fiscal year, for the service of persons described in subdivision one of section fourteen hereof, which said sums are hereby appropriated and made available for such payments; and thereafter in the month of January of each year, such sums of money shall in like manner be paid into the state insurance fund as may be provided by law; and it shall be the duty of the state liability board of awards to communicate to the general assembly on the first day of each regular session thereof, an estimate of the aggregate amount of money necessary to be contributed by the state during the two years next ensuing as its proper portion of the state insurance fund.

Section 1465-65.

Annual list for each county showing amount expended by and amount due from taxing districts.

SECTION 18. In the month of December of each year, the auditor of state shall prepare a list for each county of the state, showing the amount of money expended by each township, city, village, school district or other taxing district therein for the service of persons described in subdivision one of section fourteen hereof, during the fiscal year last preceding the time of preparing such lists; and shall file a copy of each such list with the auditor of the county for which such list was made, and copies of all such lists with the treasurer of state. Such lists shall also show the amount of money due from the county itself, and from each city, township, village, school district and other taxing district thereof, as its proper contribution to the state insurance fund, and the aggregate sum due from the county and such taxing districts located therein.

Section 1465-66.

Annual payment by county to credit of fund.

SECTION 19. In January of each year following the filing with him of the lists mentioned in the last preceding section hereof, beginning with January, 1914, the auditor of each county shall issue his warrant in favor of the treasurer of state of Ohio on the county treasurer of his county, for the aggregate amount due from such county and from the taxing districts therein, to the state insurance fund, and the county treasurer shall pay the amount called for by such warrant from the county treasury, and the county auditor shall charge the amount so paid to the county itself and the several taxing districts therein as shown by such lists; and the treasurer of state shall immediately upon receiving such money, convert the same into the state insurance fund.

Section 1465-67.

SECTION 20. In February of each year the treasurer of state shall certify to the state liability board of awards the amount of money that has been paid to him for credit

to the state insurance fund as provided in the foregoing sections and the amount paid by the state itself and by each county, city, incorporated village or school district therein, and at the same time shall certify to the board the names of such as may have made default in the payments hereinbefore provided and the respective amounts for which they are in default. When any default is made in the payment of the sums hereinbefore required to be contributed to the state insurance fund, or when any official fails, neglects or refuses to perform any act or acts required to be performed by him with reference to the making of such payments, it shall be the duty of the state liability board of awards forthwith to institute the proper proceedings in court to compel such payment or payments to be made.

Annual certificate of treasurer to board of amount credited to fund.

Duty of board in case of default in payment.

The state liability board of awards shall keep a separate account of the money paid into the state insurance fund by the state and its political subdivisions as hereinbefore provided and the disbursements made therefrom on account of injuries to public employes.

Account of its and disbursements.

Section 1465-68. SECTION 21. Every employe mentioned in subdivision one of section fourteen hereof, who is injured, and the dependents of such as are killed in the course of employment, wheresoever such injury has occurred, provided the same was not purposely self-inflicted, on or after January 1st, 1914, shall be paid such compensation out of the state insurance fund for loss sustained on account of such injury or death as is provided in the case of other injured or killed employes, and shall be entitled to receive such medical, nurse and hospital services and medicines, and such amount of funeral expenses as are payable in the case of other injured or killed employes.

When fund available.

Every employe mentioned in subdivision two of section fourteen hereof, who is injured, and the dependents of such as are killed in the course of employment, wheresoever such injury has occurred, provided the same was not purposely self-inflicted, on and after January 1st, 1914, shall be entitled to receive, either directly from his employer as provided in section twenty-two hereof, or from the state insurance fund, such compensation for loss sustained on account of such injury or death, and such medical, nurse and hospital services and medicines, and such amount of funeral expenses in case of death as is provided by sections thirty-two to forty inclusive of the act.

Section 1465-69. SECTION 22. Except as hereinafter provided, every employer mentioned in subdivision two of section thirteen hereof shall, in the month of January, 1914, and semi-annually thereafter, pay into the state insurance fund the amount of premium determined and fixed by the state liability board of awards for the employment or occupation of such employer the amount of which premium to be so paid by each such employer to be determined by the classifications, rules and rates made and published by the board;

Time of payment by employer of amount of premium.

and such employer shall semi-annually thereafter pay such further sum of money into the state insurance fund as may be ascertained to be due from him by applying the rules of the board, and a receipt or certificate certifying that such payment has been made shall immediately be mailed to such employer by the state liability board of awards, which receipt or certificate, attested by the seal of the board shall be prima facie evidence of the payment of such premium.

Receipt of payment.

Provided, however, that as to all employers who are subscribers to the state insurance fund at the time of the taking effect of this act, or who may before January 1st, 1914, elect to become subscribers thereto, the foregoing provisions for the payment of such premiums in the month of January, 1914, and semi-annually thereafter shall not apply, but such subsequent semi-annual premiums shall be paid by such employers from time to time upon the expiration of the respective periods for which payments into the fund have been made by them. And provided further, that such employers who will abide by the rules of the state liability board of awards and as may be of sufficient financial ability or credit to render certain the payment of compensation to injured employes or to the dependents of killed employes, and the furnishing of medical, surgical, nursing and hospital attention and services and medicines, and funeral expenses equal to or greater than is provided for in this act, or such employers as maintain benefit funds or departments or jointly with other employers maintain mutual associations of such said financial ability or credit, to which their employes are not required or permitted directly or indirectly to contribute, providing for the payment of such compensation and the furnishing of such medical, surgical, nursing and hospital services and attention and funeral expenses, may, upon a finding of such facts by the state liability board of awards elect to pay individually or from such benefit fund department or association such compensation, and furnish such medical, surgical, nursing and hospital services and attention and funeral expenses directly to such injured or the dependents of such killed employes; and the state liability board of awards may require such security or bond from said employers as it may deem proper, adequate and sufficient to compel, or secure to such injured employes, or to the dependents of such employes as may be killed, the payment of the compensation and expenses herein provided for, which shall in no event be less than that paid or furnished out of the state insurance fund, in similar cases, to injured employes or to the dependents of killed employes, whose employers contribute to said fund; and said board shall make and publish rules and regulations governing the mode and manner of making application and the nature and extent of the proof required to justify such finding of facts by the board as to permit such election by such employers,

Exceptions as to certain employers.

Security or bond may be required.

Rules and regulations governing mode of proof.

which rules and regulations shall be general in their applications, one of which rules shall provide that all employers electing directly to compensate their injured and the dependents of their killed employes as hereinbefore provided, shall pay into the state insurance fund such amount or amounts as are required to be credited to the surplus in paragraph two of section seven hereof.

Power of board to change or modify its findings.

The state liability board of awards may at any time change or modify its finding of facts herein provided for, if in its judgment such action is necessary or desirable to secure or assure a strict compliance with all the provisions of this act in reference to the payment of compensation and the furnishing of medical, nurse, and hospital services and medicines and funeral expenses to injured and the dependents of killed employes.

Section 1465-70.

Employers complying with act not liable in damages.

SECTION 23. Employers who comply with the provisions of the last preceding section shall not be liable to respond in damages at common law or by statute, save as hereinafter provided, for injury or death of any employe, wherever occurring, during the period covered by such premium so paid into the state insurance fund, or during the interval of time in which such employer is permitted to pay such compensation direct to his injured or the dependents of his killed employes as herein provided.

Section 1465-71.

Employer paying to fund, employing less than five, not liable in damages.

SECTION 24. Any employer who employs less than five workmen or operatives regularly in the same business, or in or about the same establishment, who shall pay into the state insurance fund the premiums provided by this act, shall not be liable to respond in damages at common law or by statute, save as hereinafter provided, for injuries or death of any such employes, wherever occurring, during the period covered by such premiums, provided the injured employe has remained in his service with notice that his employer has paid into the state insurance fund the premiums provided by this act; the continuation in the service of such employer with such notice shall be deemed a waiver by the employe of his right of action as aforesaid.

Posting of notices by such employer.

Each such employer paying the premiums provided by this act into the state insurance fund, or electing directly to pay compensation to his injured, or the dependents of his killed employes as provided in section twenty-two hereof, shall post in conspicuous places about his place or places of busines typewritten or printed notices stating the fact that he has made such payment, or that he has complied with the provisions of said section twenty-two hereof and all of the rules and regulations of the state liability board of awards made in pursuance thereof, and has been authorized by said board directly to compensate such said employes or dependents; and the same, when so posted, shall constitute sufficient notice to his employes of the fact that he has made such payment, or that he has complied with such elective provision of section twenty-two; and of any subsequent payments he may make after such notices have been posted.

Section 1465-72. Disbursement of fund by board.

SECTION 25. The state liability board of awards shall disburse the state insurance fund to such employes of employers as have paid into said fund the premiums applicable to the classes to which they belong, who have been injured in the course of their employment, wheresoever such injuries have occurred, and which have not been purposely self-inflicted, or to their dependents in case death has ensued. All employers electing directly to compensate their injured employes, in compliance with this act, shall pay to such injured employes, or to the dependents of employes who have been killed in the course of their employment, unless such injury or death of such employe has been purposely self-inflicted, the compensation, and shall furnish such medical, surgical, nurse and hospital care and attention or funeral expenses as would have been paid and furnished by virtue of this act under a similar state of facts, by the state liability board of awards out of the state insurance fund, in case said employer had paid the premium provided by this act, into said fund.

Payment by employers directly compensating injured employes.

Provided, however, that if any rule or regulation of such employer so directly compensating his employes, shall provide for or authorize the payment of greater compensation or more complete or extended medical care, nursing, surgical and hospital attention or funeral expenses to such injured employes, or to the dependents of such employes as may be killed, such employer shall be required to pay to such employes, or to the dependents of such as are killed, the amount of compensation and furnish such medical care, nursing, surgical and hospital attention or funeral expenses provided by his said rules and regulations.

And such payment or payments to such injured employes, or to their dependents in case death has ensued, shall be in lieu of any and all rights of action whatsoever against the employer of such injured or killed employes.

Section 1465-73. Employer failing to comply with law, liable for damages and shall not avail himself of common law defenses.

SECTION 26. Employers mentioned in subdivision two of section thirteen hereof, who shall fail to comply with the provisions of section twenty-two hereof, shall not be entitled to the benefits of this act during the period of such non-compliance, but shall be liable to their employes for damages suffered by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employes, and also to the personal representatives of such employes where death results from such injuries, and in such action the defendant shall not avail himself or itself of the following common law defenses:

The defense of the fellow-servant rule, the defense of the assumption of risk or the defense of contributory negligence.

And such employers shall also be subject to the provisions of the two sections next succeeding.

Section 1465-74.

SECTION 27. Any employe whose employer has failed to comply with the provisions of section twenty-two hereof,

who has been injured in the course of his employment, wheresoever such injury has occurred, and which was not purposely self-inflicted, or his dependents in case death has ensued, may, in lieu of proceeding against his employer by civil action in the courts, as provided in the last preceding section, file his application with the state liability board of awards for compensation in accordance with the terms of this act, and the board shall hear and determine such application for compensation in like manner as in other claims before the board; and the amount of the compensation which said board may ascertain and determine to be due to such injured employe, or to his dependents in case death has ensued, shall be paid by such employer to the person entitled thereto within ten days after receiving notice of the amount thereof as fixed and determined by the board; and in the event of the failure, neglect or refusal of the employer to pay such compensation to the person entitled thereto, within said period of ten days, the same shall constitute a liquidated claim for damages against such employer in the amount so ascertained and fixed by the board, which with an added penalty of fifty percentum, may be recovered in an action in the name of the state for the benefit of the person or persons entitled to the same. And any employe whose employer has elected to pay compensation to his injured, or to the dependents of his killed employes in accordance with the provisions of section twenty-two hereof, may, in the event of the failure of his employer to so pay such compensation or furnish such medical, surgical, nursing and hospital services and attention or funeral expenses, file his application with the state liability board of awards for the purpose of having the amount of such compensation and such medical, surgical, nursing and hospital services and attention or funeral expenses determined; and thereupon like proceedings shall be had before the board and with like effect as hereinbefore provided.

Employe may, in lieu of action for damages, file application for compensation with board.

Penalty upon failure to pay amount awarded within 10 days.

And the state liability board of awards shall adopt and publish rules and regulations governing the procedure before the board provided in this section, and shall prescribe forms of notices and the mode and manner of serving the same in all claims for compensation arising under this section. Any suit, action or proceeding brought against any employer under the provisions of this section, may be compromised by the board, or such suit, action or proceeding may be prosecuted to final judgment as in the discretion of the board may best subserve the interests of the persons entitled to receive such compensation.

Board shall adopt rules and regulations governing procedure.

Board may compromise suit or proceed to final judgment.

Section 1465-75. SECTION 28. If any employer shall default in any payment required to be made by him to the state insurance fund, the amount due from him shall be collected by civil action against him in the name of the state as plaintiff; and it shall be the duty of the state liability board of awards on the first Monday in February, 1914, and on

List of employers in default shall be certified to attorney general each month.

the first Monday of each month thereafter, to certify to the attorney general of the state the names and residences of all employers known to the board to be in default for such payments for a longer period than five days, and the amount due from each such employer, and it shall then be the duty of the attorney general forthwith to bring, or cause to be brought against each such employer a civil action in the proper court for the collection of such amount so due, and the same when collected, shall be paid into the state insurance fund, and such employer's compliance with the provisions of this act requiring payments to be made to the state insurance fund shall date from the time of the payment of said money so collected as aforesaid to the treasurer of state for credit to the state insurance fund.

Section 1465-76.

SECTION 29. But where a personal injury is suffered by an employe, or where death results to an employe from personal injury while in the employ of an employer in the course of employment, and such employer has paid into the state insurance fund the premium provided for in this act, or is authorized directly to compensate such employe or dependents by virtue of compliance with section twenty-two of this act, and in case such injury has arisen from the wilful act of such employer, or any of such employer's officers or agents, or from the failure of such employer or any of such employer's officers or agents to comply with any lawful requirement for the protection of the lives and safety of employes, then in such event, nothing in this act contained shall affect the civil liability of such employer, but such injured employe, or his legal representative in case death results from the injury, may, at his option, either claim compensation under this act or institute proceedings in the courts for his damage on account of such injury; and such employer shall not be liable for any injury to any employe or his legal representative in case death results, except as provided in this section; and in all actions authorized by this section the defendant shall be entitled to plead the defense of contributory negligence and the defense of the fellow-servant rule; and, in all cases determined in court as authorized by this section when a judgment is awarded the plaintiff, the court shall determine, fix and award the amount of fee or fees to be paid plaintiff's attorney or attorneys, any contract to the contrary notwithstanding.

Employer who has paid into insurance fund, is liable when injury or death arises from wilful act of employer, at the election of employe or representative.

Every employe, or his legal representative in case death results, who makes application for an award, or accepts compensation from an employer who elects, under section twenty-two of this act, directly to pay such compensation, waives his right to exercise his option to institute proceedings in any court, except as provided in section forty-three hereof. Every employe, or his legal representative in case death results, who exercises his option to institute proceedings in court as provided in this section, waives his right to any award, or direct payment of

Application for award or acceptance of compensation waives right of action.

compensation from his employer under section twenty-two hereof, as provided in this act.

Section 1465-77. SECTION 30. All judgments obtained in any action prosecuted by the board or by the state under the authority of this act shall have the same preference against the assets of the employer as is now or may hereafter be allowed by law on judgments rendered for claims for taxes.

Preference of judgments.

Section 1465-78. SECTION 31. No compensation shall be allowed for the first week after the injury is received, except the disbursement hereinafter authorized for medical, nurse and hospital services and medicines, and for funeral expenses.

No compensation for first week; exception.

Section 1465-79. SECTION 32. In case of temporary disability, the employe shall receive sixty-six and two-thirds per cent. of his average weekly wages so long as such disability is total, not to exceed a maximum of twelve dollars per week, and not less than a minimum of five dollars per week, unless the employe's wages shall be less than five dollars per week, in which event he shall receive compensation equal to his full wages; but in no case to continue for more than six years from the date of the injury, or to exceed three thousand, seven hundred and fifty dollars.

Compensation for temporary disability.

Period of continuance.

Section 1465-80. SECTION 33. In case of injury resulting in partial disability, the employe shall receive sixty-six and two-thirds per cent. of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of twelve dollars per week, or a greater sum in the aggregate than thirty-seven hundred and fifty dollars. In cases included in the following schedule, the disability in each case shall be deemed to continue for the period specified and the compensation so paid for such injury shall be as specified herein, to-wit:

Compensation for injuries resulting in partial disability.

Specifications of injuries and compensation fixed.

For the loss of a thumb, 66 2-3% of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called index finger, 66 2-3% of the average weekly wages during thirty-five weeks.

For the loss of a second finger, 66 2-3% of the average weekly wages during thirty weeks.

For the loss of a third finger, 66 2-3% of the average weekly wages during twenty weeks.

For the loss of a fourth finger, commonly known as the little finger, 66 2-3% of the average weekly wages during fifteen weeks.

The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third, or distal phalange, of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

Specifications of injuries and compensation fixed.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of the metacarpal bone (bones of palm) for the corresponding thumb, finger, or fingers as above, add ten weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand, 66 2-3% of the average weekly wages during one hundred and fifty weeks.

For the loss of an arm, 66 2-3% of the average weekly wages during two hundred weeks.

For the loss of a great toe, 66 2-3% of the average weekly wages during thirty weeks.

For the loss of one of the toes other than the great toe, 66 2-3% of the average weekly wages during ten weeks.

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be no loss;

For the loss of a foot, 66 2-3% of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg, 66 2-3% of the average weekly wages during one hundred and seventy-five weeks.

For the loss of an eye, 66 2-3% of the average weekly wages during one hundred weeks.

The amounts specified in this clause are all subject to the limitation as to the maximum weekly amount payable as hereinbefore specified in this section.

Section 1465-81.

Compensation in cases of permanent total disability.

SECTION 34. In cases of permanent total disability, the award shall be sixty-six and two-thirds per cent. of the average weekly wages, and shall continue until the death of such person so totally disabled, but not to exceed a maximum of twelve dollars per week and not less than a minimum of five dollars per week, unless the employe's average weekly wages are less than five dollars per week at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages.

The loss of both hands or both arms, or both feet or both legs, or both eyes, or of any two thereof, shall prima facie constitute total and permanent disability, to be compensated according to the provisions of this section.

Section 1465-82.

Compensation when injury results in death.

SECTION 35. In case the injury causes death within the period of two years, the benefits shall be in the amounts and to the persons following:

1. If there be no dependents, the disbursements from the state insurance fund shall be limited to the expenses provided for in section forty-two hereof.

2. If there are wholly dependent persons at the time of the death, the payment shall be sixty-six and two-thirds per cent. of the average weekly wages, and to continue for the remainder of the period between the date of the death, and six years after the date of the injury, and not to amount to more than a maximum of thirty-seven hundred and fifty dollars, nor less than a minimum of one thousand five hundred dollars.

3. If there are partly dependent persons at the time of the death, the payment shall be sixty-six and two-thirds per cent. of the average weekly wages, and to continue for all or such portion of the period of six years after the date of the injury, as the board in each case may determine, and not to amount to more than a maximum of thirty-seven hundred and fifty dollars.

4. The following persons shall be presumed to be wholly dependent for support upon a deceased employe:

Who are dependents upon employe.

(A) A wife upon a husband with whom she lives at the time of his death.

(B) A child or children under the age of sixteen years (or over said age if physically or mentally incapacitated from earning) upon the parent with whom he is living at the time of the death of such parent.

Dependency in other cases determined by facts.

In all other cases, question of dependency, in whole or in part, shall be determined in accordance with the facts in each particular case existing at the time of the injury resulting in the death of such employe, but no person shall be considered as dependent unless a member of the family of the deceased employe, or bears to him the relation of husband or widow, lineal descendant, ancestor or brother or sister. The word "child" as used in this act, shall include a posthumous child, and a child legally adopted prior to the injury.

"Child" defined

Section 1465-83. SECTION 36. The benefits in case of death, shall be paid to such one or more of the dependents of the decedent, for the benefit of all the dependents as may be determined by the board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the board deems it proper, and shall operate to discharge all other claims therefor. The dependent or person to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the finding and direction of the board.

Benefits shall be paid to whom.

In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow to make application to the board on behalf of herself and minor children; and in cases where all of the dependents are minors, the application shall be made by the guardian or next friend of such minor dependents.

Section 1465-84. SECTION 37. The average weekly wage of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits.

Basis upon which to compute benefits.

Section 1465-85. SECTION 38. It it is established that the injured employe was of such age and experience when injured as that under natural conditions his wages would be expected to increase, the fact may be considered in arriving at his average weekly wage.

Section 1465-86. Powers and jurisdiction of board continuing. SECTION 39. The powers and jurisdiction of the board over each case shall be continuing, and it may from time to time make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion may be justified.

Section 1465-87. Periodical benefits may be commuted to lump sum. SECTION 40. The board, under special circumstances, and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

Section 1465-88. Compensation exempt from attachment or execution. SECTION 41. Compensation before payment shall be exempt from all claims or creditors and from any attachment or execution, and shall be paid only to such employes or their dependents.

Section 1465-89. Amounts provided in addition to compensation. SECTION 42. In addition to the compensation provided for herein, the board shall disburse and pay from the state insurance fund, such amounts for medical, nurse and hospital services and medicine as it may deem proper, not, however, in any instance, to exceed the sum of two hundred dollars; and, in case death ensues from the injury, reasonable funeral expenses shall be disbursed and paid from the fund in an amount not to exceed the sum of one hundred and fifty dollars, and the board shall have full power to adopt rules and regulations with respect to furnishing medical, nurse and hospital services and medicine to injured employes entitled thereto, and for the payment therefor.

Section 1465-90. Decisions of the board on all questions final. Exception. SECTION 43. The board shall have full power and authority to hear and determine all questions within its jurisdiction, and its decision thereon shall be final. Provided, however, in case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the injury was self-inflicted or on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the claimant's right, then the claimant, within thirty (30) days after the notice of the final action of such board, may, by filing his appeal in the common pleas court of the county wherein the injury was inflicted, be entitled to a trial in the ordinary way, and be entitled to a jury if he demands it. In such a proceeding, the prosecuting attorney of the county, without additional compensation, shall represent the state liability board of awards, and he shall be notified by the clerk forthwith of the filing of such appeal.

Procedure in case of appeal. Within thirty days after filing his appeal, the appellant shall file a petition in the ordinary form against such board as defendant, and further pleadings shall be had in said cause, according to the rules of civil procedure, and the court, or the jury, under the instructions of the court, if a jury is demanded, shall determine the right of the claim-

ant; and if they determine the right in his favor, shall fix his compensation within the limits under the rules prescribed in this act; and any final judgment so obtained shall be paid by the state liability board of awards out of the state insurance fund in the same manner as such awards are paid by such board.

Costs and attorney fees.

The cost of such proceeding, including a reasonable attorney's fee to the claimant's attorney to be fixed by the trial judge, shall be taxed against the unsuccessful party.

Error.

Either party shall have the right to prosecute error as in the ordinary civil cases.

Section 1465-91.

Board not bound by technical or formal rules in investigations.

SECTION 44. Such board shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure, other than as herein provided; but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act.

Section 1465-92.

Compensation shall not be considered by jury on trial of any action.

SECTION 45. No provision of this act relating to the amount of compensation shall be considered by, or called to the attention of the jury on the trial of any action to recover damages as herein provided.

Section 1465-93.

Minor working at legal age considered sui juris.

SECTION 46. A minor working at an age legally permitted under the laws of this state, shall be deemed sui juris for the purposes of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman, but in the event of the award of a lump sum of compensation to such minor employe, such sum shall be paid only to the legally appointed guardian of such minor.

Section 1465-94.

Agreement to waive rights of compensation void.

SECTION 47. No agreement by an employe to waive his rights to compensation under this act shall be valid. No agreement by an employe to pay any portion of the premium paid by his employer into the state insurance fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employe entitled to the benefits of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars for each such offense.

Deduction of any portion of premium from wages of employe unlawful.

Section 1465-95.

Employe claiming compensation may be required to submit to medical examination.

SECTION 48. Any employe claiming the right to receive compensation under this act may be required by the board or its chief medical examiner, to submit himself for medical examination at any time and from time to time at a place reasonably convenient for such employe, and as may be provided by the rules of the board. If such employe refuses to submit to any such examination or obstructs the same, his right to have his claim for compensation considered, if his claim be pending before the board, or to receive any payments for compensation theretofore granted shall be suspended during the period of such refusal or obstruction.

Section 1465-96.

SECTION 49. All books, records and payrolls of the employers of the state, showing or reflecting in any way

Books, records and payrolls shall be open for inspection by the board or any of its assistants.

upon the amount of wage expenditure of such employers, shall always be open for inspection by the board or any of its traveling auditors, inspectors or assistants, for the purpose of ascertaining the correctness of the wage expenditure, the number of men employed, and such other information as may be necessary for the uses and purposes of the board in its administration of the law. Refusal on the part of any employer to submit his books, records and payrolls for the inspection of any member of the board or traveling auditor, inspector or assistant presenting written authority from the board, shall subject such employer to a penalty of one hundred dollars ($100.00) for each such offense, to be collected by civil action in the name of the state, and paid into the state insurance fund to become a part thereof.

Penalty for refusal to submit books, etc., for inspection.

Section 1465-97. Penalty for misrepresentation as to amount of payroll.

SECTION 50. Any employer who misrepresents to the board the amount of payroll upon which the premium under this act is based, shall be liable to the state in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the state under this section shall be enforced in a civil action in the name of the state, and all sums collected under this section shall be paid into the state insurance fund.

Section 1465-98. Act applies to employers and employes engaged in intrastate and interstate and foreign commerce.

SECTION 51. The provisions of this act shall apply to employers and their employes engaged in intrastate and also in interstate and foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, and then only when such employer and any of his workmen working only in this state, with the approval of the state liability board of awards, and so far as not forbidden by any act of congress, voluntarily accept the provisions of this act by filing written acceptances, which, when filed with and approved by the board, shall subject the acceptors irrevocably to the provisions of this act to all intents and purposes as if they had been originally included in its terms, during the period or periods for which the premiums herein provided have been paid. Payment of premium shall be on the basis of the payroll of the workmen who accept as aforesaid.

Section 1465-99. Employer shall keep record of all injuries to his employes and report to state board.

SECTION 52. Every employer of the state shall keep a record of all injuries, fatal or otherwise, received by his employes in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the state liability board of awards upon blanks to be procured from the board for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employe, and shall state the time, the nature and cause of injury

and such other information as may be required by the board. Any employer who refuses or neglects to make any report required by this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars ($500.00) for such offense.

Penalty for refusal to make report.

Section 1465-100. SECTION 53. Upon the request of the board, the attorney general, or under his direction, the prosecuting attorney of any county shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this act, or for the recovery of any money due the state insurance fund, or any penalty herein provided for, arising within the county in which he was elected, and shall defend in like manner all suits, actions or proceedings brought against the board or the members thereof in their official capacity.

Attorney general or prosecuting attorney shall institute and prosecute actions and defend suits against the board.

Section 1465-101. SECTION 54. All contracts or agreements entered into by any employer, the purpose of which is to indemnify him from loss or damage on account of the injury of such employe by accidental means or on account of the negligence of such employer or such employer's officer, agent or servant, shall be absolutely void, unless such contract or agreement shall specifically provide for the payment to such injured employe of such amounts for medical, nurse and hospital services and medicines, and such compensation as is provided by this act for injured employes; and in the event of death shall pay such amounts as are herein provided for funeral expenses and for compensation to the dependents of those partially dependent upon such employe; and no such contract shall agree, or be construed to agree, to indemnify such employer, other than hereinbefore designated, for any civil liability for which he may be liable on account of the injury to his employe by the wilful act of such employer, or any of such employer's officers or agents, or the failure of such employer, his officers or agents, to observe any lawful requirement for the safety of employes.

Contracts for the purpose of indemnifying employer from loss or damage on account of injury of employe are void.

Section 1465-102. SECTION 55. The board may make necessary expenditures to obtain statistical and other information to establish the classes provided for in section six hereof. The salaries and compensation of the members of the board, of the secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants, and all other expenses of the board herein authorized, including the premium to be paid by the state treasurer for the bond to be furnished by him, shall be paid out of the state treasury upon vouchers signed by two of the members of such board and presented to the auditor of state, who shall issue his warrant therefor as in other cases.

Expenditure for statistical information.

Salaries and expenses shall be paid out of state treasury.

Section 1465-103. SECTION 56. Annually on or before the 15th day of December, such board, under the oath of at least two of its members, shall make a report to the governor for the

Annual report of the board to the governor.

preceding fiscal year, which shall include a statement of the number of awards made by it, and a general statement of the causes of accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the expense fund, and the condition of its respective funds, together with any other matters which the board deems proper to call to the attention of the governor, including any recommendations it may have to make, and it shall be the duty of the board from time to time to publish and distribute among employers and employes, such general information as to the business transacted by the department as in its judgment may be useful.

Section 1465-104. Publication and distribution of classifications, rates and rules of procedure.

SECTION 57. The board shall cause to be printed in proper form for distribution to the public its classifications, rates, rules, regulations and rules of procedure, and shall furnish the same to any person upon application therefor, and the fact that such classifications, rates, rules, regulations and rules of procedure are printed ready for distribution to all who apply for the same, shall be a sufficient publication of the same as required by this act.

Section 1465-105. Injunction shall not issue suspending any classification or rate adopted.

SECTION 58. No injunction shall issue suspending or restraining any order, classification or rate adopted by the board, or any action of the auditor of state, treasurer of state, attorney general, or the auditor or treasurer of any county, required to be taken by them or any of them by any of the provisions of this act; but nothing herein shall effect any right or defense in any action brought by the board or the state in pursuance of authority contained in this act.

Section 1465-106. Unconstitutionality of any provision shall not affect the whole or any other part.

SECTION 59. Should any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole or any part thereof other than the part so decided to be unconstitutional.

Repeals.

SECTION 60. That sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-58, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78 and 1465-79 of the General Code are heby repealed; and sections 1465-57, 1465-59, 1465-60 and 1465-61 of the General Code are hereby repealed, such repeal to take effect on January 1st, 1914.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 26th, 1913.
Approved March 14th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 17th, 1913.

42 G.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[Senate Bill No. 26.]

AN ACT

Regulating the soliciting of money, or other thing of value, of persons confined in a penal or correctional institution of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 12838-1. SECTION 1. Whoever, directly or indirectly, procures or solicits with intent to procure, or extorts any money or other thing of value of any person, or persons, confined in any penitentiary, jail, workhouse, calaboose, or other penal or correctional institution within this state, or in the custody of any officer of the law, or from any other person or persons, for or in behalf of one so confined or in custody, upon or by virtue of any offer, promise or agreement, verbal or written, to secure, or attempt to secure for such person or persons so confined, a release or discharge therefrom, or a pardon, parole or modification of sentence, unless originally requested so to do by such person or persons so confined, shall be fined not exceeding five hundred dollars, or imprisoned in the county jail or workhouse not exceeding six months, or both.

Soliciting money or thing of value from persons confined in penal institutions, unlawful.

Penalty.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 5th, 1913.
Approved March 14th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 17th, 1913. 43 G.

[Senate Bill No. 67.]

AN ACT

To amend section 3637 of the General Code, relating to the enumeration of powers of municipalities as to signs, electricity and plumbing.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3637 of the General Code be amended to read as follows:

Section 3637. Sec. 3637. To regulate the erection of fences, billboards, signs and other structures, within the corporate limits, and to provide for the removal and repair of, insecure billboards, signs and other structures; to regulate the construction and repair of wires, poles, plants and all equipment to be used for the generation and application of elec-

Erection of fences, signs; construction and repair of wires, poles, plants; licensing, house movers, electrical contractors, plumbers, etc.

tricity; to provide for the licensing of house movers, electrical contractors, plumbers and sewer tappers and vault cleaners.

SECTION 2. That said original section 3637 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed March 4th, 1913.
Approved March 14th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 17th, 1913. 44 G.

[Senate Bill No. 54.]

AN ACT

To amend section 12949 of the General Code, relating to the privileges of electors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12949 of the General Code be amended to read as follows:

Section 12949.

Sec. 12949. Whoever, being an employer, his officer, or agent, discharges an elector because he fails or refuses to labor on the first Tuesday after the first Monday in November, between the hours of twelve o'clock noon, central standard time, and five-thirty o'clock p. m. central standard time, or requires or orders any elector in his employ to accompany him to a voting place upon such day, or who refuses to permit such elector to serve as an election official on any election day, shall be fined not more than twenty-five dollars.

Penalty for interferring with privileges of an elector on election day.

SECTION 2. That said original section 12949 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed March 5th, 1913.
Approved March 14th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 17th, 1913. 45 G.

[Senate Bill No. 99.]

AN ACT

Authorizing trustees of Windham township, Portage county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

Portage county, Windham township trustees authorized to transfer funds.

SECTION 1. That the trustees of Windham township, Portage county, Ohio, be, and the same are, hereby authorized to transfer seven hundred and twenty-eight dollars arising from the sale of the south half of lot fifty-eight in said township, and the interest arising therefrom, together with the bounties on wolf scalps received from the county treasurer, to the building fund of the board of education of Windham township school district in said Portage county, Ohio. Said sum so transferred to constitute a fund for the purpose of remodeling the school building of said Windham township school district.

This section is not required to receive a sectional number in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 4th, 1913.
Approved March 14th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 17th, 1913. 46 L.

[Amended Senate Bill No. 137.]

AN ACT

Creating the industrial commission of Ohio, superseding the state liability board of awards, abolishing the departments of commissioner of labor statistics, chief inspector of mines, chief inspector of workshops and factories, chief examiner of steam engineers, board of boilers rules and state board of arbitration and conciliation, merging certain powers and duties of said departments in and transferring certain powers and duties of said departments to said industrial commission of Ohio, and granting such commission certain other powers, and repealing sections 872, 873, 874, 876, 877, 878, 879, 880, 881, 883, 884, 897, 898, 900, 902, 903, 908, 979, 981, 983, 984, 986, 987, 988, 993, 1001, 1028-4, 1038, 1039, 1042, 1043, 1044, 1046, 1058, 1058-6, 1058-9, 1058-13, 1058-14, 1058-15, 1058-27, 1059, 1060, 1061, 1062, 1078 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 871-1.

Creating the industrial commission of Ohio, superseding certain state departments and boards.

SECTION 1. There is hereby created the industrial commission of Ohio, to be composed of three members to be appointed by the governor within thirty days after this act goes into effect, one of the members of such commission shall be appointed for the term of two years, one member

for four years, and one member for six years, and thereafter each member shall be appointed for the term of six years. Not more than one of the appointees to such commission shall be a person who, on account of his previous vocation, employment or affiliations, can be classed as a representative of employers, and not more than one of such appointees shall be a person who, on account of his previous vocation, employment or affiliations, can be classed as a representative of employes; not more than two of the members of the said commission shall belong to the same political party.

Classification of appointees as to previous vocations.

Section 871-2.

Removal for cause.

SECTION 2. The governor at any time shall remove any member of the industrial commission of Ohio for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office.

Section 871-3.

Commissioner shall hold no position inconsistent with his duties.

SECTION 3. No commissioner shall hold any position of trust or profit, or engage in any occupation or business, interfering or inconsistent with his duties as such commissioner, and no commissioner shall serve on any committee of any political party.

Section 871-4.

Salary.

Oath of office.

Bond of commissioner.

Bond of deputy.

SECTION 4. Each of said commissioners shall receive an annual salary of five thousand dollars, payable in the same manner as the salaries of other state officers are paid. Before entering upon the duties of his office, each commissioner shall take and subscribe the constitutional oath of office and shall swear or affirm that he holds no position under any committee of a political party, which oath or affirmation shall be filed in the office of the governor. Each member of the commission shall give a bond in the sum of ten thousand dollars, which bond shall be approved by the governor and filed with the treasurer of state. All employes or deputies of the commission receiving or disbursing funds of the state shall give bond to the state in amounts and with surety to be approved by the commission.

Section 871-5.

Meeting and organization.

Vacancy shall not impair rights of commission to exercise all powers.

SECTION 5. Within thirty days after this act goes into effect, such commission shall meet at the seat of government and organize by choosing one of its members as chairman; a majority of such commission shall constitute a quorum to transact business. No vacancy shall impair the rights of the remaining commissioners to exercise all the powers of the commission; and in case a vacancy occur, the remaining members of the commission shall exercise all of the powers and authorities of the commission until such vacancy is filled.

Section 871-6.

Place of office.

SECTION 6. The commission shall keep and maintain its office in the city of Columbus, Ohio, and shall provide suitable room or rooms, necessary office furniture, supplies, books, periodicals, maps and appliances as they deem necessary, the expense thereof to be audited and paid in the same manner as other state expenses. The commission may hold sessions in any place within the state of Ohio.

Section 871-7.

SECTION 7. The commissioners, employes and deputies of the commission shall be entitled to receive from the

state their necessary and actual expenses while traveling on business of the commission, either within or without the state of Ohio. Such expenses shall be presented in an account verified by the person who incurred the expense, approved by the chairman of the commission, and shall be audited and paid as other similar expenses are audited and paid. Expenses.

Section 871-8. SECTION 8. The commission shall have an official seal, for the authentication of its orders and proceedings, upon which seal shall be engraved the words, "The industrial commission of Ohio," and such other design as the commission may prescribe; and the courts in this state shall take judicial notice of the seal of the said commission, and in all cases copies of orders, proceedings or records in the office of the industrial commission of Ohio, certified by the secretary of the said commission under its seal, shall be equal to the original as evidence. Official seal. Judicial notice.

Section 871-9. SECTION 9. The commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions shall be open to the public and the sessions of the commission shall stand and be adjourned without further notice thereof on its record. All of the proceedings of the commission shall be shown on its record, which shall be a public record, and all voting shall be had by calling each member's name by the secretary, and each member's vote shall be recorded on the proceedings as cast. Commission shall be in continuous session and open to the public. Record of proceedings.

Section 871-10. SECTION 10. Subject to the provisions of this act, the commission may adopt its own rules of procedure and may change the same from time to time in its discretion. Rules of procedure.

Section 871-11. SECTION 11. On and after the first day of September, 1913, the following departments of the state of Ohio, to-wit: Commissioner of labor statistics, chief inspector of mines, chief inspector of workshops and factories, chief examiner of steam engineers, board of boiler rules, and the state board of arbitration and conciliation, shall have no further legal existence, except that the heads of the said departments, and said boards, shall within ten days after the said date submit to the governor their reports of their respective departments for the portion of the year 1913 during which they were in existence, and on and after the first day of September, 1913, the industrial commission of Ohio shall have all the powers and enter upon the performance of all the duties conferred by law upon the said departments. Termination of legal existence of certain departments and boards. Report to governor for portion of year.

ection 871-12. SECTION 12. The industrial commission shall supersede and perform all of the duties of the state liability board of awards, provided in and by the act of the general assembly of the state of Ohio passed the thirty-first day of May, 1911 (102 O. L., 524), entitled, "An act to create a state insurance fund for the benefit of injured and the dependents of killed employes and to provide for the ad- State liability board of awards superseded.

ministration of such fund by a state liability board of awards," and all amendments to said act, on and after the first day of September, 1913; and said commission, on and after the first day of September, 1913, as successor of the said state liability board of awards, shall be vested with and assume and exercise all powers and duties cast by law upon said state liability board of awards.

Section 871-13. SECTION 13. The following terms as used in this act shall be construed as follows:

Definition of terms.

(1) The phrase "place of employment," shall mean and include every place, whether indoors or out, or under ground, and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business, is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is directly or indirectly, employed by another for direct or indirect gain or profit but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

(2) The term "employment," shall mean and include any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except in such private domestic service or agricultural pursuits as do not involve the use of mechanical power.

(3) The term "employer," shall mean and include every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment, place of employment or of any employe.

(4) The term "employe," shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment.

(5) The term "frequenter," shall mean and include every person, other than an employe, who may go in or be in a place of employment under circumstances which render him other than a trespasser.

(6) The term "deputy," shall mean and include any person employed by the industrial commission, designated as such deputy by the commission who shall possess special, technical, scientific, managerial, professional or personal abilities or qualities in matters within the jurisdiction of the industrial commission, and who may be engaged in the performance of duties under the direction of the commission, calling for the exercise of such abilities or qualities.

(7) The term "order," shall mean and include any decision, rule, regulation, direction, requirement, or stand-

ard of the commission, or any other determination arrived at or decision made by such commission. Definition of terms.

(8) The term "general order," shall mean and include such order as applies generally throughout the state to all persons, employments, or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(9) The term "local order," shall mean and include any ordinance, order, rule, or determination of any city or village council, or any trustees, or board or officers of any city or village upon any matter over which the industrial commission has jurisdiction.

(10) The term "welfare," shall mean and include comfort, decency and moral well-being.

(11) The terms "safe," and "safety," as applied to any employment or a place of employment shall mean such freedom from danger to the life, health, safety or welfare of employes or frequenters as the nature of the employment will reasonably permit, including requirements as to the hours of labor with relation to the health and welfare of employes.

Section 871-14. SECTION 14. The commission is authorized and empowered to employ, promote and remove a secretary, or secretaries, deputies, clerks, stenographers, and other assistants, as needed; to fix their compensation, and to assign to them their duties. Such employments and compensation to be first approved by the governor. Employment of assistants.

Section 871-15. SECTION 15. Every employer shall furnish employment which shall be safe for the employes therein, and shall furnish a place of employment which shall be safe for the employes therein, and for frequenters thereof, and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes, follow and obey orders and prescribe hours of labor reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety and welfare of such employes and frequenters. Employer required to protect the life, health and safety of employes.

Section 871-16. SECTION 16. No employer shall require, permit or suffer any employe to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards, or fail to obey and follow orders or to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety and welfare of such employes or frequenters; and no such employer or other person shall hereafter construct or occupy or maintain any place of employment that is not safe. Places of employment must be safe and provided with safety devices.

Section 871-17.

Employe shall not remove any safety device, interfere with the use thereof nor disobey rules for the protection of life, health or safety.

SECTION 17. No employe shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished or provided for use in any employment or place of employment, nor interfere in any way with the use thereof by any other person, nor shall any such employe interfere with the use of any method or process adopted for the protection of any employe in such employment or place of employment, or frequenter of such place of employment, nor fail or neglect to follow and obey orders and to do every other thing reasonably necessary to protect the life, health, safety and welfare of such employes and frequenters.

Section 871-18.

Employer shall furnish information to commission.

SECTION 18. Every employer shall furnish to the commission all information required by it to carry into effect the provisions of this act and shall make specific answers to all questions submitted by the commission relative thereto.

Section 871-19.

Information blanks shall be filled out, correctly answering each question.

SECTION 19. Any employer receiving from the commission any blanks calling for information required by it to carry into effect the provisions of this act, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case he is unable to answer any question, he shall give a good and sufficient reason for such failure; and said answers shall be verified under oath by the employer, or by the president, secretary, or other managing officer of the corporation, if the employer is a corporation, and returned to the commission at its office within the period fixed by the commission.

Section 871-20.

Commissioner or deputy may enter any place to collect facts and statistics and examine provisions for health and safety.

SECTION 20. Any commissioner or deputy of the commission may enter any place of employment for the purpose of collecting facts and statistics, examining the provisions made for the health, safety, and welfare of the employes therein, and bring to the attention of every employer any law, or any order of the commission, and any failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner or deputy of the commission to his place of employment.

Section 871-21.

Commission has supervision of every employment and place of employment in this state.

SECTION 21. The industrial commission of Ohio is vested with the power and jurisdiction on and after the first day of September, 1913, to have such supervision of every employment and place of employment and of every other building and establishment in this state as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment or building or establishment, to be safe, and requiring the protection of the life, health, safety and welfare of every employe in such employment or place of employment, and every frequenter of such place of employment, including the power to regulate the hours of labor of employes in such employments and places of employment, with regard to the health and welfare of such employes to such extent as the nature of the employment will reasonably permit, not inconsistent with law.

Section 871-22. SECTION 22. It shall also be the duty of the industrial commission, and it shall have full power, jurisdiction and authority: Powers and duties of commission.

(1) To appoint advisers, who shall without compensation, assist the industrial commission in the execution of its duties; to retain and assign to their duties any or all officers, subordinates and clerks of the commissioner of labor statistics, the chief inspector of mines, the chief inspector of workshops and factories, the chief examiner of steam engineers, the board of boiler rules, chief inspector of steam boilers, the state board of arbitration and conciliation, and the state liability board of awards: Appointment of advisers.

(2) On and after the first day of September, 1913, to administer and enforce the general laws of this state relating to mines, manufacturing, mechanical, electrical, art and laundering establishments, child labor, employment of minors, explosives, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and apartment houses, school houses, colleges, opera houses, halls, theaters, churches, infirmaries, children's homes, hospitals, medical institutes, asylums, and other buildings used for the assemblage or betterment of people in the state, bakeries, employment offices, stores, intelligence offices and bureaus, manufacturers of cigars, sweat shops, fire escapes, and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, employment of females, hours of labor, licensed occupations and school attendance, and all other laws protecting the life, health, safety and welfare of employes in employments and places of employment, frequenters of places of employment or relating to the health and safety of persons occupying or assembled in the structures named above, on and after the first day of September, 1913. Enforcement of laws relative to the protection of life, health and safety.

(3) To investigate, ascertain, and on and after the first day of September, 1913, to declare and prescribe what hours of labor, safety devices, safeguards, or other means or methods of protection are best adapted to render the employes of every employment and place of employment and frequenters of every place of employment, safe, and to protect their welfare as required by law or lawful orders, and to establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of life, health, safety and welfare of employes; Prescribe hours of labor, safety devices and safeguards.

(4) To ascertain and on and after the first day of September, 1913, to fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employes in employments and places of employment or frequenters of places of employment; Fixing standards and enforcing orders.

(5) To ascertain, and on and after the first day of September, 1913, fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe;

Classification of persons and employments.

(6) To investigate, ascertain and determine such reasonable classifications of persons, employments and places of employment as shall be necessary to carry out the purposes of this act.

Adoption of rules and regulations.

(7) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings; such rules and regulations shall not be effective until ten days after their publication. A copy of such rules and regulations shall be delivered to every citizen making application therefor, and a copy delivered with every notice of hearing;

Promotion of arbitration.

(8) To do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employes and to avoid the necessity of resorting to lockouts, boycotts, blacklists, discriminations and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration, provide the necessary expenses of such boards, order reasonable compensation not exceeding five dollars per day for each member engaged in such arbitration, prescribe rules of procedure for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed in this act. The commission shall designate a deputy to be known as chief mediator and may detail other deputies from time to time to act as assistants for the purpose of executing these provisions. The deputies may act on temporary boards without extra compensation.

Temporary boards.

Designation of chief mediator.

Establish and conduct free employment agencies.

(9) To establish and conduct free employment agencies, and on and after the first day of September, 1913, to license and supervise the work of private employment offices to do all in its power to bring together employers seeking employes and working people seeking employment, to make known the opportunities for self employment in this state, to aid in inducing minors to undertake promising skilled employments, and to encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in the state of Ohio and the remedies therefor in this and other states and countries, and it shall devise and adopt the most efficient means in its power to avoid unemployment, to provide employment and to prevent distress from involuntary idleness.

Investigate causes of unemployment.

Collect and publish statistical information.

(10) To collect, collate and publish all statistical and other information relating to employes, employers, employments and places of employment and such other sta-

tistics as may be necessary, and to make public reports in its judgment necessary.

Examine and license steam engineers and inspectors of and persons who operate steam boilers.

(11) On and after September 1, 1913, to examine and license persons who desire to act as steam engineers, and persons who desire to operate steam boilers and persons who desire to act as inspectors of steam boilers; to provide for the scope, conduct, and time of such examinations, to provide for, regulate and enforce the renewal and revocation of such licenses, to inspect and examine steam boilers and to make, publish and enforce rules and regulations and orders for the construction, installation, inspection and operation of steam boilers and all appliances connected with steam boilers and to do and require and enforce all things necessary to make such examination, inspection and requirement efficient.

(12) To rent and furnish offices as needed in cities in this state for the conduct of its affairs.

Section 871-23.

Examination of place or employment upon petition that same is unsafe.

SECTION 23. (1) Upon petition after the first day of September, 1913, by any person that any employment or place of employment is not safe or is injurious to the welfare of any employe or frequenter, the commission shall proceed with or without notice to make such investigation as may be necessary to determine the matter complained of.

Entry of order after hearing.

(2) After such hearing as may be necessary, the commission may enter such order relative thereto as may be necessary to render such employment or place of employment safe and not injurious to the welfare of the employes therein or frequenters thereof.

Commission may investigate upon its own motion.

(3) Whenever the commission shall learn that any employment or place of employment is not safe or is injurious to the welfare of any employe or frequenter, it may of its own motion summarily investigate the same, with or without notice and issue such order as may be necessary thereto.

ection 871-24.

Duties, liabilities, powers and privileges of certain departments and boards are conferred upon commission.

SECTION 24. All duties, liabilities, authority, powers and privileges conferred and imposed by law upon the commissioner of labor statistics, special agents for the commissioner of labor statistics, chief inspector of mines, district inspectors of mines, chief inspector of workshops and factories, first assistant chief inspector of workshops and factories, second assistant chief inspector of workshops and factories, district inspectors of workshops and factories, chief examiner of steam engineers, assistant chief examiner of steam engineers, district examiners of steam engineers, the board of boiler rules, head of the department of the board of boiler rules and chief inspector of steam boilers, assistant chief inspector of steam boilers, general inspectors of steam boilers, special inspector of steam boilers, state board of arbitration and conciliation, are hereby imposed upon the industrial commission of Ohio and its deputies on and after the first day of September, 1913.

Laws relating to heads, assistants and special agents of departments and boards are applicable to the commission.

All laws relating to the commissioner of labor statistics, special agents of the commissioner of labor statistics, chief inspector of mines, district inspectors of mines, chief inspector of workshops and factories, first assistant chief inspector of workshops and factories, second assistant chief inspector of workshops and factories, district inspectors of workshops and factories, chief examiner of steam engineers, assistant chief examiner of steam engineers, district examiners of steam engineers, the board of boiler rules, head of the department of the board of boiler rules and chief inspector of steam boilers, assistant chief inspector of steam boilers, general inspectors of steam boilers, special inspectors of steam boilers, state board of arbitration and conciliation, on and after the first day of September, 1913, shall apply to, relate and refer to the industrial commission of Ohio, and its deputies. Qualifications prescribed by law for said officers and their assistants and employes shall be held to apply, wherever applicable, to the qualifications of the deputies of the commission assigned to the performance of the duties now cast upon such officers, assistants and employes.

Section 871-25.

Orders of commission, prima facie reasonable and lawful.

SECTION 25. All orders of the industrial commission of Ohio in conformity with law shall be in force and shall be prima facie reasonable and lawful; and all such orders shall be valid and in force and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose pursuant to the provisions of section 41 of this act, or until altered or revoked by the commission.

Section 871-26.

Orders shall take effect, when.

SECTION 26. (1) All general orders shall take effect within thirty days after their publication. Special orders shall take effect as therein directed.

(2) The commission shall, upon application of any employer grant such time as may be reasonably necessary for compliance with any order.

(3) Any person may petition the commission for an extension of time which the commission shall grant if it finds such extension of time necessary.

Section 871-27.

Petition for hearing by employer.

SECTION 27. (1) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness and lawfulness of any order of the commission in the manner provided in this act.

What petition shall specifically set out.

(2) Such petition for hearing shall be by verified petition filed with the commission, setting out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable or unlawful, and every issue to be considered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objection to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition. All hearings of the commission shall be open to the public.

(3) Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the commission shall determine the same by confirming, without hearing, its previous determination, or if such hearing is necessary to determine the issues raised, the commission shall order a hearing thereon and consider and determine the matter or matters in question at such time as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the commission may find directly interested in such decision.

Commission may order a hearing or determine the issue without hearing.

Notice.

(4) Upon such investigation, if it shall be found that the order complained of is unlawful or unreasonable, the commission shall substitute therefor such other order as shall be lawful and reasonable.

Authority to substitute other order.

(5) Whenever at the time of final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the order of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

Extension of time.

ection 871-28. SECTION 28. (1) Nothing contained in this act shall be construed to deprive the council of any city or village or any board of trustees or officer of any city or village of any power or jurisdiction over or relative to any place of employment, provided that whenever the industrial commission of Ohio shall, by an order fix a standard of safety or any hygienic condition for employments or places of employment, such order shall, upon the filing by the commission of a copy thereof with the clerk of the village or city to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by said order. Thereafter no local officer shall make or enforce any order contrary thereto.

Act does not deprive council of city or village of power or jurisdiction.

(2) Any person affected by any local order in conflict with an order of the commission may, in the manner provided in this act, petition the industrial commission for a hearing on the ground that such local order is unreasonable and in conflict with the order of the commission. The petition for such hearing shall conform to the requirements set forth for a petition in section 27 of this act.

Local order in conflict with an order of the commission may be a matter of hearing.

(3) Upon receipt of such petition the commission shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village or city where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the commission may find directly interested in such decision, including the clerk of the village, or the mayor of the village or city from which such appeal came. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the commission, the commission may modify its order and shall substitute for the local order appealed from

When and where hearing shall be held.

Authority to modify order and substitute another.

such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.

Section 871-29. Application for hearing before suit brought to set aside, vacate or amend an order.

SECTION 29. No action, proceeding or suit to set aside, vacate or amend any order of the commission, or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have applied to the commission for a hearing thereon at the time and as provided in section 27 of this act, and in the petition therefor shall have raised every issue raised in such action.

Every order of the commission shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable and lawful, unless prior to the institution of the prosecution for such violation an action shall have been brought to vacate and set aside such order, as provided in section 41 of this act.

Section 871-30. Power to administer oaths, issue subpoenas and compel attendance of witnesses.

SECTION 30. Each of the commissioners and the secretary of the commision for the purposes mentioned in this act shall have power to administer oaths, certify to official acts, issue subpoenas, compel attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of the failure of any person to comply with any order of the commission or any subpoena lawfully issued, or upon the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the common pleas judge of any county in this state on the application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Section 871-31. Fees and mileage of witnesses.

SECTION 31. Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the court of common pleas, which shall be audited and paid by the state out of the state treasury in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers approved by the chairman of the commission. But no witness subpoenaed at the instance of the parties other than the commission shall be entitled to compensation from the state for attendance or travel, unless the commission shall certify that his testimony was material to the matter investigated.

Section 871-32. Depositions.

SECTION 32. The commission or any party may in any investigation cause depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions.

Section 871-33. Record of proceedings.

SECTION 33. A full and complete record shall be kept of all proceedings had before the commission on any investigation, and all testimony shall be taken down by a stenographer appointed by the commission.

Section 871-34. Publication of rules and orders.

SECTION 34. Publication of rules and orders of the commission shall be made by the commission in pamphlet form to be furnished on demand at the office of the com-

mission. The expenses of publication shall be audited and paid as are other expenses of the commission.

Section 871-35.

SECTION 35. (1) For the purpose of making any investigation with regard to any employment or place of employment, the commission shall have power to appoint, by an order in writing, any member of the commission, any deputy, who is a citizen of the state, or any other competent person who is a resident of the state as an agent whose duty shall be prescribed in such order.

Commission may appoint whom to make investigation.

(2) In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission, and the same powers as a master commissioner appointed by a court of common pleas with regard to taking testimony.

Powers and duties of agent.

(3) The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so orders, nor further investigation.

Contemporaneous investigations.

Decision of the commission.

Section 871-36.

SECTION 36. The commission shall have the authority to direct any deputy who is a citizen to act as special prosecutor in any action, proceeding, investigation, hearing or trial relating to matters within its jurisdiction.

Deputy as special prosecutor.

Upon the request of the commission, the attorney general or the prosecuting attorney of the county in which any investigation, hearing or trial had under the provisions of this act is pending, shall aid therein and prosecute under the supervision of the commission, all necessary actions or proceedings for the enforcement of this act and all other laws of this state relating to the protection of life, health, safety and welfare, and for the punishment of all violations thereof.

Attorney general or prosecuting attorney shall aid upon request.

Section 871-37.

SECTION 37. A substantial compliance with the requirements of this act shall be sufficient to give effect to the orders of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

Substantial compliance gives effect to orders.

Section 871-38.

SECTION 38. Any employer or other person in interest being dissatisfied with any order of the commission may commence an action in the supreme court of Ohio, against the commission as defendant to set aside, vacate or amend any such order on the ground that the order is unreasonable or unlawful and the supreme court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The commission shall be served with summons as in other civil cases. The answer of the com-

Dissatisfied employer may commence action to set aside, vacate or modify an order.

Time of filing answer.

mission shall be filed within ten days after service of summons upon it and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer said action shall be at issue and shall be advanced and assigned for trial by the court, upon the application of either party, at the earliest possible date.

Section 871-39.

SECTION 39. (1) If upon the trial of such action it shall appear that all issues arising in such action have not theretofore been presented to the commission in the petition filed as provided in section 27 of this act, or that the commission has not theretofore had ample opportunity to hear and determine any of the issues raised in said act, or has for any reason not in fact heard and determined the issues raised, the court shall, before proceeding to render judgment, unless the parties to such action stipulate to the contrary, transmit to the commission a full statement of such issue or issues not adequately considered and shall stay further proceedings in such action for fifteen days from the date of such transmission and may thereafter grant such further stay as may be necessary.

Stay of proceedings when commission has not had opportunity to hear all issues raised.

Commission may alter, modify, amend or rescind its order.

(2) Upon the receipt of such statement, the commission shall consider the issues not theretofore considered, and may alter, modify, amend, or rescind its order complained of in said action, and shall report its order thereon to said court within ten days from the receipt of the statement from the court for further hearing and consideration.

(3) The court shall thereupon order such amendment or other proceeding as may be necessary to raise the issues as changed by such modification of order as may have been made by the commission upon the hearing, if any such modification has in fact been made, and shall thereupon proceed with such action in the manner provided by law for other civil actions.

Section 871-40.

Supreme court only has jurisdiction.

SECTION 40. No court of this state except the supreme court to the extent specified by this act, shall have jurisdiction to review, vacate, set aside, reverse, revise, correct, amend or annul any order of the industrial commission of Ohio, or to suspend or delay the execution or operation thereof or to enjoin, restrain or interfere with the commission in the performance of its official duties, provided that the writ of mandamus shall lie from the said supreme court to the commission in all proper cases.

Section 871-41.

Pendency of an action shall not stay or suspend an order of the commission.

SECTION 41. The pendency of an action to set aside, vacate or amend an order of the commission shall not of itself stay or suspend the operation of an order of the commission; but, during the pendency of said action the said supreme court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order. But no order so staying or suspending an order of the commission shall be made by the said court otherwise than

upon three days' notice and after hearing. In case the order is stayed or suspended the order of the court shall not become effective until a suspending bond first shall have been executed, filed with and approved by the commission, or by the said court or the clerk thereof, payable to the state of Ohio, and sufficient in amount and security to insure the prompt payment by the party petitioning to set aside, vacate or amend such order of all damages caused by the delay in the enforcement of the order of the commission.

Bond, in case of stay or suspension of order.

Section 871-42.

SECTION 42. All actions and proceedings under this act, and all actions or proceedings to which the industrial commission of Ohio or the state of Ohio may be parties, and in which any question arises under this act, or under or concerning any order of the industrial commission, shall be preferred over all other civil cases, except election causes and causes involving or affecting the public utilities commission of Ohio, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the industrial commission in any action or proceeding in which he may be allowed to intervene.

Preference of actions over other civil actions.

Section 871-43.

SECTION 43. If any employer, employe or other person shall violate any provision of this act or shall do any act prohibited by this act or shall fail or refuse to perform any duty lawfully enjoined, within the time prescribed by the commission, for which no penalty has been specifically provided, or fail, neglect or refuse to obey any lawful order given or made by the commission, or any judgment or decree made by any court in connection with the provisions of this act, for each such violation, failure or refusal such employer or other person shall be fined not less than fifty dollars nor more than one thousand dollars for the first offense and not less than one hundred nor more than five thousand dollars for each subsequent offense.

Penalty for violations of any provisions of act.

Section 871-44.

SECTION 44. Every day during which any person, persons or corporations, or any officer, agent or employe thereof shall fail to observe and comply with any order of the commission, or to perform any duty enjoined by this act shall constitute a separate and distinct violation of such order or said section as the case may be.

Every day a separate violation.

Section 871-45.

SECTION 45. The sections of this act, and every part of such sections, are hereby declared to be independent sections, and parts of sections and the holding of any section or part thereof to be void or ineffective shall not affect any other section or part thereof.

Section or part held to be void shall not affect any other section or part.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 46. That sections 872, 873, 874, 876, 877, 878, 879, 880, 881, 883, 884, 897, 898, 900, 902, 903, 908, 979, 981, 983, 984, 986, 987, 988, 993, 1001, 1028-4, 1038, 1039, 1042, 1043, 1044, 1046, 1058, 1058-6, 1058-9, 1058-13, 1058-14, 1058-15, 1058-27, 1059, 1060, 1061, 1062, 1078,

Repeals.

of the General Code of Ohio be, and the same are hereby repealed from and after September 1st, 1913.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 12th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913. 47 G.

[House Bill No. 298.]

AN ACT

To amend section 1441 of the General Code, relative to fishing nets.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1441 of the General Code, relative to fishing nets be amended to read as follows:

Section 1441.

Sec. 1441. In the Lake Erie fishing district, the meshes of the back of the crib or car of all nets used in fishing shall hang squarely and be not less than two and seven-eighths inches in length and width, except on the edges of the back next to the corner or side lines for a distance on each side equal in width to one-third the width of such back. The mesh herein specified shall be on the middle of such back and extend from the top to the bottom thereof. Until August 1, 1913, the words "stretched mesh" shall mean "stretched mesh, factory measure." On and after March 19th, 1915, the meshes of the entire back of the crib or car of all trap or fyke-nets used in fishing in said district shall be not less than three inches in length and width, stretched mesh. In case of fyke-nets the mesh herein specified may be placed in the space between the last two hoops thereof, instead of in the back of the crib or car, such space to be not less than three feet in width. When such large mesh is placed in the back of the crib or car, no puckering back shall be used. A gill net shall not be used having meshes less than three inches, stretched mesh.

Construction of crib of fishing nets.

"Stretched mesh" defined and limitations as to time and dimensions of mesh of various nets.

Emergency act.

SECTION 2. An emergency is hereby declared to exist, by reason whereof it is necessary for the immediate preservation of the public peace and safety and to protect the fishermen of this state from great expense and serious

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

pecuniary loss that this act take effect from and after its passage and approval.

SECTION 3. That said original section 1441 of the General Code be and the same is hereby repealed.

JOHN H. LOWRY,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 27th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913. 48 G.

[House Bill No. 99.]

AN ACT

To repeal sections 2510, 2511, 2512, 2513, 2514, 2515 and 2516 of the General Code, relating to the power of the judge of the court of common pleas to appoint annually two men to examine the report of the county commissioners, and to the duties of the said examiners.

Be it enacted by the General Assembly of the State of Ohio:

This act does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 1. That sections 2510, 2511, 2512, 2513, 2514, 2515 and 2516 of the General Code be, and the same are hereby, repealed. Repeals.

JOHN H. LOWRY,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 26th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913. 49 G.

[House Bill No. 80.]

AN ACT

To amend section 13413 of the General Code relating to the catching, killing or injuring of skunks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13413 of the General Code be amended to read as follows:

Section 13413. Sec. 13413. Whosoever shall catch, kill or injure a skunk, or pursues it with such intent, except from the fifteenth day of November to the first day of February both inclusive, or whoever shall at any time or place dig out, or smoke out with fumes or gases, any skunk or in any manner destroy the den or burrow of any skunk, or whoever during the period when it shall be unlawful to kill such animal shall have in his possession the green pelt of a skunk unless such person can show by the original invoice signed by the shipper that such pelts were shipped from without the state shall be fined not less than ten dollars nor more than twenty-five dollars.

Protection of skunks.

Penalty for violation of act.

Exception.

This section shall not prevent the owner of a farm or anyone authorized by him in writing from killing a skunk when doing an injury upon his premises. The provisions of this section shall be enforced by the commissioners of fish and game.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original section 13413 of the General Code be and the same is hereby repealed.

JOHN H. LOWRY,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 5th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913. 50 G.

[Senate Bill No. 25.]

AN ACT

To supplement "An act supplementary to an act passed April 23, 1898 (93 O. L. p. 637), entitled 'An act Supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants,' passed May 4, 1869 (66 O. L. p. 80), and to all acts supplementary to said act of May 4, 1869, and authorizing the board of trustees appointed under the act of May 4, 1869, to issue additional bonds for terminal facilities and permanent betterments of the line of railway" passed May 17, 1911 (102 O. L. p. 111), and to provide for levying a tax to pay the interest and provide a sinking fund for the redemption of bonds issued under the act to which this act is supplementary.

Be it enacted by the General Assembly of the State of Ohio:

Section 15150-4. SECTION 1. That all bonds issued under the provisions of the act passed May 17, 1911, and entitled "An act supplementary to an act passed April 23, 1898 (93 O. L. p. 637), entitled 'An act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants,' passed May

4, 1869 (66 O. L. p. 80), and to all acts supplementary to said act of May 4, 1869, and authorizing the board of trustees appointed under the act of May 4, 1869, to issue additional bonds for terminal facilities and permanent betterments for the line of railway," to which this act is supplementary, shall be secured by a pledge of the faith of the city and a tax in addition to all other taxes for municipal purposes which shall be annually levied by the council of said city on the real and personal property returned on the grand levy sufficient to pay the interest thereon and to provide a sinking fund for their final redemption; and they may be made payable both as to principal and interest in any lawful money of the United States at such times and places and in such sums as shall be deemed best by the board issuing same.

Tax levy to pay interests and provide a sinking fund for redemption of certain bonds.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 5th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913. 51 G.

[Senate Bill No. 81.]

AN ACT

To amend section 4295 of the General Code, relating to security to be furnished by municipal depositaries, and to make the same applicable to all political subdivisions of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4295 of the General Code be amended to read as follows:

Section 4295. Sec. 4295. The council may provide by ordinance for the deposit of all public moneys coming into the hands of the treasurer, in such bank or banks, situated within the municipality or county, as offer, at competitive bidding, the highest rate of interest and give a good and sufficient bond issued by a surety company authorized to do business in the state, or furnish good and sufficient surety, or secure said moneys by a deposit of bonds or other interest bearing obligations of the United States or those for the payment of principal and interest of which the faith of the United States is pledged, including bonds of the District of Columbia; bonds of the state of Ohio or of any other state of the United States; legally issued bonds of any city, village, county, township or other political subdivision of this or any other state or territory of the

Deposit of moneys may be provided for by ordinance.

Security by municipal depositary required.

Interest bearing obligations that may be accepted as security.

United States and as to which there has been no default of principal, interest or coupons, and which in the opinion of the treasurer are good and collectible providing the issuing body politic has not defaulted at any time since the year 1900, in the payment of the principal and interest of any of its bonds, said security to be subject to the approval of the proper municipal officers, in a sum not less than ten per cent. in excess of the maximum amount at any time to be deposited. And whenever any of the funds of any of the political subdivisions of the state shall be deposited under any of the depositary laws of the state, the securities herein mentioned, in addition to such other securities as are prescribed by law, may be accepted to secure such deposits.

Approval.

Securities accepted to secure funds of all political sub-divisions.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 4295 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 5th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913.
52 G.

[House Bill No. 227.]

AN ACT

To amend section 12600-4, relating to the width and height of room in which theaters are conducted.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12600-4 of the General Code be amended so as to read as follows:

Section 12600-4.

Sec. 12600-4. No theater or motion picture show room shall be less than eighteen (18) feet wide, measuring the clear between the walls, nor less than thirteen (13) feet high.

Minimum height and width for picture show room or theater.

Theaters or motion picture show rooms from twenty (20) to thirty (30) feet wide, measuring in the clear between the walls, and not over one hundred (100) feet long, measuring between the outside of the front and rear walls, and theaters and assembly halls seating not more than three hundred (300) persons shall have in addition to the main entrance, either the rear or one side wall abutting upon a street, alley or open court.

Specifications for picture show, theater or hall, with capacity for 300 persons.

If the lobby or entrance to the above theater or motion picture show room is built at an angle to the auditorium,

Specifications as to lobby or entrance.

the length of the lobby or entrance including the thickness of the walls, added to the length of the auditorium and stage including the rear wall shall not exceed one hundred (100) feet.

The width of the above street, alley or open court shall be not less than six (6) feet.

Auditoriums in theaters and assembly halls built in excess of the above dimensions shall have in addition to the main entrance two side walls abutting upon streets, alleys or open courts.

Specifications as to large auditoriums.

The width of such streets, alleys or open court shall be not less than eight (8) feet where the seating capacity is not over one thousand (1000) persons; above one thousand (1000) and not more than fifteen hundred (1500), nine (9) feet in width; above fifteen hundred (1500), and not more than two thousand (2000), ten (10) feet in width; above two thousand (2000), ten (10) feet plus one (1) foot for each additional five hundred (500) or part thereof.

Said streets, alleys or open courts shall be of such a length as to receive and connect with all exits, doors, fire escapes, and stairways leading thereto.

If the court above required be an interior court, the same shall be continued through the adjoining buildings or structures by passageways, with walls, ceilings and floors of fireproof construction, and the height of the passageway shall not be less than ten (10) feet in the clear.

No openings other than the exit doors shall be placed in these passageways.

The said courts or passageways shall not be used for storage or other purposes whatsoever, except for egress and ingress.

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IMOTHY S.
HOGAN,
ttorney
General.

SECTION 2. That said original section 12600-4 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 27th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913. 53 G.

[House Bill No. 50.]

AN ACT

To amend sections 10770 and 10772 of the General Code relating to liability for wrongful injury or death and the enforcement of the actions therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 10770 and 10772 of the General Code be amended to read as follows:

Section 10770.

A corporation or person causing death by wrongful act, shall be liable, although caused under circumstances which make it murder or manslaughter.

Sec. 10770. When the death of a person is caused by wrongful act, neglect or default such as would have entitled the party injured to maintain an action and recover damages in respect thereof, if death had not ensued, the corporation which, or the person who would have been liable if death had not ensued, or the administrator or executor of the estate of such person, as such administrator or executor, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death was caused under circumstances which make it in law murder in the first or second degree, or manslaughter.

Damages recovered, a valid claim against estate.

When the action is against such administrator or executor the damages recovered shall be a valid claim against the estate of such deceased person.

Right of action may be enforced in this state, although death caused in another state or foreign country, when.

When death is caused by a wrongful act, neglect or default in another state, territory or foreign country, for which a right to maintain an action and recover damages in respect thereof is given by a statute of such other state, territory or foreign country, such right of action may be enforced in this state. Every such action brought under this act shall be commenced within the time prescribed for the commencement of such actions by the statute of such other state, territory or foreign country.

Time of commencement of such actions.

Remedy applies to any cause of action existing or heretofore commenced.

The same remedy shall apply to any such cause of action now existing and to any such action heretofore commenced or attempted to be commenced in proper time and now appearing on the files of any court within this state, and no prior law of this state shall be construed to prevent the maintenance thereof.

Section 10772.

Such actions shall benefit whom.

Sec. 10772. Such actions shall be for the exclusive benefit of the wife, or husband, and children, or if there be neither of them, then of the parents and next of kin of the person whose death was so caused:

In whose name action shall be brought and when commenced.

It must be brought in the name of the personal representative of the deceased person and the jury may give such damages as it may think proportioned to the pecuniary injury resulting from such death, to the persons, respectively, for whose benefit the action was brought. Every such action must be commenced within two years after the death of such deceased person, except as provided in section 10773-1 of the General Code. Such personal representative, if he was appointed in this state, with the consent of the court making such appointment may, at any

time, before or after the commencement of the suit, settle with the defendant the amount to be paid. The amount received by such personal representative, whether by settlement, or otherwise, shall be apportioned among the beneficiaries, unless adjusted between themselves, by the court making the appointment, in such manner as shall be fair and equitable, having reference to the age and condition of such beneficiaries and the laws of descent and distribution of personal estates left by persons dying in this state.

Representative may settle with defendant.

Apportionment among beneficiaries.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 10770 and 10772 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 27th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913. 54 G.

[House Bill No. 111.]

AN ACT

To amend sections 8949, 8951 and 8954 of the General Code, relating to safety appliances upon railroad locomotives and cars, and to repeal sections 8946, 8947 and 8948 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 8949, 8951 and 8954 of the General Code be amended to read as follows:

Section 8949. Sec. 8949. No common carrier, engaged in moving traffic on a railroad, between points within this state, shall use on its line a locomotive therefor not equipped with power driving wheel brakes and appliances for operating the train-brake system, or, in such business, run a train unless at least eighty-five percentum of the cars therein shall have air brakes thereon so arranged that they can be operated and used from the engine by the engineer of the locomotive drawing such train, and unless all of such cars so equipped shall be associated together.

Power brakes for locomotives and cars. Percentage required to be so equipped.

Section 8951. Sec. 8951. No such common carrier shall haul, or permit to be hauled or used, on its line a locomotive, car, tender, or similar vehicle, used in moving state traffic, not provided with secure grab-irons or hand-holds on the sides and ends thereof. Every locomotive shall be provided with secure sill steps on each side of the pilot thereof and each and every tender and car used in such business shall be provided also with secure sill steps on each end of each

Secure grab-irons, sill steps, ladders and running boards required on locomotives, tenders and cars.

side thereof, and efficient hand-brakes; and all cars requiring ladders and running boards shall be equipped with secure ladders and running boards, and with secure handholds or grab-irons on their roofs at the top of such ladders; provided, that, in the loading and hauling of long commodities requiring more than one car, the hand-brakes may be omitted on all save one of the cars while they are thus combined for such purpose.

Section 8954.

Sec. 8954. Such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any tender or car in violation of any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each and every such violation thereof, to be recovered in a suit or suits to be brought by the prosecuting attorney in the common pleas court of the county having jurisdiction in the locality where such violation occurred. Upon duly verified information being given him of such violation such prosecuting attorney shall bring such suits. The public service commission of Ohio shall give the proper prosecuting attorney information of any such violations as may come to its knowledge. Nothing contained in the above provisions to common carriers shall apply to locomotives, tenders, cars, or trains, used exclusively in the movement of logs, and when the height of the drawbars of such locomotives, tenders and cars does not exceed twenty-five inches, or to street cars, or to locomotives, tenders, cars, similar vehicles, or trains, while in actual use in interstate commerce.

Penalty for violations of this act.

Public service commission shall give information to prosecuting attorneys.

Cars or trains to which act does not apply.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 8949, 8951 and 8954, and sections 8946, 8947 and 8948 of the General Code be, and the same are, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate

Passed February 27th, 1913.
Approved March 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 20th, 1913. 55 G.

[Amended Senate Bill No. 29.]

AN ACT

To amend sections 404, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 420, 427, 428, 429, 431, 433, 435, 436, 437, 438, 439, 440, 442, 443, 444, 445, 449, 450, 451, 455, 457, 458, 459, 460, 461, 462, 464, 465, 468, 469, 470, 471, 472, 473, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485 and 486 and to supplement section 486 by the enactment of supplemental section 486-1 and to repeal sections 404 to 419 inclusive, 421 to 440 inclusive, 442 to 445 inclusive, 449 to 451 inclusive, 455, 457 to 486 inclusive of the General Code relative to the department of public works.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 404, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 420, 427, 428, 429, 431, 433, 435, 436, 437, 438, 439, 440, 442, 443, 444, 445, 449, 450, 451, 455, 457, 458, 459, 460, 461, 462, 464, 465, 468, 469, 470, 471, 472, 473, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, and 486 of the General Code be amended to read as follows:

Section 404. Sec. 404. There shall be a superintendent of public works of Ohio, who shall be a practical civil engineer and shall be appointed by the governor and shall hold his office for a term of one year from date of appointment and until his successor is duly qualified.

Superintendent of public works. Appointment, term.

Section 406. Sec. 406. The superintendent of public works of Ohio shall give bond to the state in the sum of twenty-five thousand dollars, with sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the oath of office and the approval of the governor endorsed thereon, shall be deposited with the treasurer of state and kept in his office. The superintendent of public works shall receive a salary of four thousand dollars per year.

Bond.

Salary.

Section 407. Sec. 407. The office of the public works of Ohio shall be at the capital. The books, papers, records and other documents of the department of public works shall be kept in such office and at all reasonable times be open to the inspection of persons interested therein. A report or notice required by law to be given or served upon the superintendent of public works may be left in writing at such office or deposited with the person in charge thereof.

Office.

Books, papers and records open to inspection.

Service upon.

Section 408. Sec. 408. The superintendent of public works shall appoint a secretary. He may appoint such stenographers and clerks as may be necessary in the prompt and efficient discharge of the duties of the office.

Secretary, clerks and stenographers.

Section 409. Sec. 409. The secretary shall receive a salary not to exceed two thousand dollars per year and shall furnish bond to the state of Ohio in the sum of ten thousand dollars, conditioned for the faithful performance of his duties. Such bond with the oath of office and the approval of the superintendent of public works endorsed thereon shall be

Salary of secretary. Bond.

deposited with the treasurer of state and kept in his office.

Section 410. Journal of proceedings.

Sec. 410. The superintendent of public works shall keep or cause to be kept a journal of the proceedings of the department, which shall be open to the inspection of a committee of either house of the general assembly, or to any officer or person interested therein.

Section 411. Two grand divisions.

Sec. 411. The public works shall be divided into two grand divisions, as follows: The Miami and Erie canal, with Lake St. Mary's reservoir, Indian Lake reservoir, the Loramie reservoir, with all of the feeders and parts thereof, and the various river dams which impound water for the purpose of supplying water for the Miami and Erie canal shall be styled division one. The Ohio and Erie canal, together with the Portage lakes and Buckeye lake, with all of their feeders and parts, together with the various state dams in the rivers which impound waters for the purpose of supplying the said Ohio and Erie canal shall be styled division two.

Section 412. Duties and powers of superintendent.

Sec. 412. The superintendent of public works shall have the care and control of the public works of the state and shall protect, maintain and keep them in repair. The superintendent shall have the power to remove obstructions therein or thereto and shall make such alterations or changes thereof, and shall construct such feeders, dikes, reservoirs, dams, locks or other works, devices or improvements as he may deem proper in the discharge of his duties. Subject to the approval of the governor, the superintendent of public works may purchase on behalf of the state such real or personal property, rights or privileges as it may be necessary, in his judgment, to acquire in the maintenance of the public works or their improvement subject to the approval of the governor.

Section 413. Superintendent may maintain an action.

Sec. 413. The superintendent of public works of Ohio may maintain an action in the name of the state for violations of any law relating to the public works for an injury to property pertaining to the public works or for any other cause which may be necessary in the performance of his duties.

Section 414. Power to administer oaths.

Sec. 414. The superintendent of public works of Ohio, or the secretary may administer oaths to persons required by law to file affidavits or statements in the department of public works and to witnesses, who may be examined in matters pertaining to the administration of the public works.

Section 415. Rules and regulations.

Sec. 415. The superintendent of public works of Ohio shall have supervision of the public works of the state and shall make such rules and regulations for the improvement, maintenance and operation of the public works as shall be necessary to the proper conduct of the department.

Section 416. Regulation and collection of tolls and rentals.

Sec. 416. The superintendent of public works of Ohio shall regulate the rate of tolls to be collected on the public works of the state, and shall fix all rentals and shall collect

or cause to be collected all tolls, rents, fines and all revenues arising from whatsoever source in the public works of Ohio.

Section 417. Sec. 417. The superintendent of public works of Ohio shall appoint not to exceed two division engineers who shall be practical civil engineers and who shall have immediate charge of the division to which they may be appointed, under the supervision of the superintendent of public works, and such division engineers shall be paid a salary not to exceed two thousand dollars per year and necessary expenses while engaged in such work. Division engineers shall hold office for a period of one year, or at the pleasure of the superintendent of public works.

Appointment of division engineers.

Salary and term.

Section 418. Sec. 418. Before entering upon the discharge of the duties of his office, each division engineer shall give bond to the state in the sum of five thousand dollars, with sureties approved by the superintendent of public works, conditioned for the faithful discharge of the duties of his office. Such bond with the oath of office and the approval of the superintendent of public works endorsed thereon shall be filed with the treasurer of state and kept in his office.

Bond of division engineers.

Section 420. Sec. 420. The superintendent of public works of Ohio shall appoint such foremen, patrolmen, lock tenders, inspectors, engineers and all other employes as may be necessary for the improvement, maintenance and operation of the public works. They shall be assigned to duty under the supervision of the superintendent of public works, under rules and regulations prescribed by him. Any such employes, when deemed necessary by the superintendent of public works, shall be required to give proper bond to the state of Ohio, conditioned for the faithful performance of his duties. The salary and compensation of such employes shall be fixed by the superintendent of public works and paid from money appropriated for the maintenance of canals.

Appointment of foremen, patrolmen, inspectors, etc.

Salary of employes.

Section 427. Sec. 427. All claims against the state for the improvement, repairs, maintenance and operation of the public works of Ohio, including salary and expenses of all employes of the same, shall be paid upon the order of the superintendent of public works through the auditor of state, who shall issue his warrant upon the treasurer of state for the amount specified in the order and charge it to the proper account. Each order shall be drawn in favor of the claimant and shall state the nature of the indebtedness, the division in which it arose and the appropriation under which its payment is authorized. A record of all such accounts shall be kept in books prepared for that purpose by the superintendent of public works.

Claims paid upon order of superintendent.

Record of accounts.

Section 428. Sec. 428. The superintendent of public works of Ohio may enter into contracts with proper persons for the performance of labor, or for the furnishing of materials, or for the constuction of any or all structures and buildings nec-

Authority to contract.

essary to the maintenance, control and management of the public works of the state or any part thereof. The superintendent of public works shall require bonds, of not less than one-half the contract price, from said contractors, payable to the state of Ohio, and conditioned on the faithful performance of said contract. Except in cases of extreme public exigency or emergency, and when the cost of any proposed improvement or repair exceeds five hundred dollars, the superintendent of public works shall cause notice to be given in a newspaper of general circulation in or contiguous to the county where the contract is to be let and where the work is to be done and may also advertise in such trades journals as will afford full information to the public of the terms of the contract and the nature of the work to be performed and the character of materials required, together with the time of the letting and place and manner of receiving proposals. Such contracts shall be awarded to the lowest and best bidder, and shall be in writing, and shall contain specific prices for each kind of work to be performed, and for materials to be furnished by the parties thereto.

Bonds required.

Notice of letting contracts.

Award of contracts.

Section 429. Sec. 429. All bids, proposals and contracts received by the superintendent of public works shall be endorsed, filed and preserved in his office. Copies of contracts for work or materials, water privileges or lands on which such privileges are to be used, leases and all other contracts entered into by the superintendent of public works shall be filed and recorded in his office within thirty days from their execution.

Filing of bids and proposals.

Filing copies of contracts.

Section 431. Sec. 431. The superintendent of public works may lease sulplus water power on any of the public works, under such rules and regulations as may be prescribed by him. The superintendent of public works shall examine all leases from time to time and adjust and fix the amount of rent due and unpaid as may be deemed just, and cancel existing leases with the consent of the lessees, or when they have become forfeited. If rents are in arrears for thirty days or more, or if the lessee fails to put in gauges, weirs or other structures, as is required by the lease, the superintendent of public works may shut off the water until such rent is paid, or gauges, weirs or other structures are established, or cancel the lease.

Lease surplus water power.

Examination and adjustment of leases.

Section 433. Sec. 433. The superintendent of public works shall collect or cause to be collected water rents as they become due under the lease of water power, rentals for state lands, rentals for pipe permits and all tolls on the canals or other public works of the state. Rent from the lease of water power or from any other part of the public works shall be a first lien upon the estate created by such lease. Whenever such estate is sold or disposed of by judicial process, the court shall order the rent due thereon to be paid from the proceeds. Moneys received from water rents, land rents, tolls, fines, leases, pipe permits, boat licenses, sales

Collection of rentals.

Rental, first lien.

Monthly payment of moneys into treasury.

of canal lands and from all other sources shall be paid monthly into the state treasury to the credit of the general fund of the state.

Section 435. Sec. 435. A public exigency shall be deemed to exist if an injury or obstruction occurs in any of the public works which materially impairs their immediate use, or places in jeopardy property adjacent thereto, or there is immediate danger of such occurrence, or such injury, obstruction or danger occurs during the process of construction of such public works.

Public exigency; when deemed to exist.

Section 436. Sec. 436. When a public exigency exists, the superintendent of public works, or his representative, may take possession of lands and use them, or materials and other property necessary for the maintenance, protection or repair of the public works. The superintendent of public works or any officer or employe in his service may enter upon lands for the purpose of taking levels or making surveys, when necessary in the discharge of the duties of his office.

Power to take lands and materials.

Right of entry upon lands.

Section 437. Sec. 437. If the superintendent of public works and the owner of the property taken or used under the preceding section are unable to agree upon the amount of the compensation to be paid therefor, the superintendent of public works shall immediately make and subscribe a certificate containing the following:

Certificate, when superintendent and owner unable to agree.

1. A description of the property, date when it was taken, name of the owner or owners, and whether taken absolutely or for temporary use; if for temporary use, the extent thereof.

2. An offer of such compensation as the superintendent deems reasonable as compensation for the property taken.

Section 438. Sec. 438. A copy of such certificate shall be delivered to each owner of the property taken, or left at his usual place of residence within this state. If such owner is a minor, idiot or insane person, such certificate may be delivered to his guardian. If the owner or guardian is not a resident of the state, or his place of business is unknown, notice may be given him by the publication of the certificate for four consecutive weeks in a newspaper of general circulation in the county in which the property is situated. The original certificate, with the date, and proof of service of a copy thereof shall be filed in the office of the superintendent of public works.

Copy of certificate delivered to owner.

Filing original certificate.

Section 439. Sec. 439. The owner of the property, or his guardian, may elect to take the compensation named in the certificate, or his portion thereof, within one year from the service or last publication of such certificate. If he so elect, the superintendent of public works shall pay him the amount of such compensation and take his receipt therefor.

Election may be made within one year.

Sec. 440. If the owner or guardian is unwilling to accept the compensation named in the certificate, he must notify the superintendent of public works within one year

Notice, when owner unwilling to accept compensation.

and file the copy of the certificate served on him in the probate court of the county in which the property is situated. If the property is situated in two or more counties, he may file such copy in the probate court of either county.

Section 442.

Sec. 442. When the superintendent of the public works of Ohio deems it necessary to appropriate property, in cases other than where a public exigency exists, he shall make and subscribe a certificate which shall contain the following:

Certificate in cases other than public exigency.

1. A full description of the property, the name of the owner and the declaration of intention to appropriate such property for the state.

2. The amount of money which the superintendent of public works deems just and will pay as compensation for the property sought to be appropriated.

3. The date when proceedings will be commenced to appropriate the property if the owner fails within the time specified in the certificate to accept the compensation offered.

Section 443.

Sec. 443. A copy of such certificate shall be delivered to each owner of the property sought to be appropriated, or served as herein provided when a public exigency exists. The original certificate, with date and proof of service of a copy thereof, shall be filed in the office of the superintendent of public works. If the appropriation is made the superintendent of public works shall endorse upon a copy of the certificate the words "appropriation made," and the date when made, and file it with the recorder of the county in which the property is situated. Thereupon the recorder shall record it with the endorsements thereon in the records of the county.

Copy delivered to each owner.

Original certificate.

Endorsement on and filing of copy of certificate.

Section 444.

Sec. 444. If the owner of the property sought to be appropriated elects to take the compensation named in the certificate before proceedings are commenced, the superintendent of public works shall pay him the amount thereof, and thereupon the title to the property shall vest in the state. If he so elects after proceedings for appropriation are commenced, he shall pay the costs, or his proportion thereof as may be determined by the court. Upon the termination of the proceedings, if the superintendent of public works deems the amount of the compensation assessed an owner too large he may decline to make the appropriation upon the payment of the costs.

Election to take compensation. Costs.

Superintendent may decline to make appropriation, when.

Section 445.

Sec. 445. If the owner fails to accept the compensation fixed in the certificate within the time fixed therein, the superintendent of public works shall file a copy thereof with date and proof of service or publication, in the probate court of the county in which the property is situated. If the property is situated in two or more counties, the certificate may be filed in the probate court of either county. Thereupon the probate judge shall notify the clerk of the court of common pleas and sheriff of such county of the filing of the certificate.

Procedure, when owner fails to accept compensation.

Section 449. Sec. 449. The state shall open and close in giving testimony and in arguments. Upon request of the jurors the court may prepare the forms of verdict which shall be in writing, and shall be returned signed by the jurors or their foreman. A new trial shall not be granted except for misconduct of the jury or errors by the court. Exception to a ruling of the court in a matter of law may be taken as in other cases, and a petition in error may be prosecuted to the court of appeals if filed within thirty days from rendition of the verdict, and allowed by the court of appeals. Such proceedings shall not be reversed for error of form, or for other error not affecting the substantial rights of the parties. Each certificate of intention to appropriate property, with proof of service or publication of a copy thereof, and other proceedings in the probate court, shall be recorded by the probate judge.

State shall open and close in trial.

Verdict returned in writing.

Petition in error.

Record of proceedings.

Section 450. Sec. 450. Upon completion of appropriation proceedings the probate judge shall make a bill of taxable costs therein, and forward it to the superintendent of public works. The superintendent of public works shall issue a requisition upon the auditor of state for the payment of the costs and the compensation awarded each property owner, and the auditor of state shall draw his warrant on the treasurer of state for the payment thereof. Thereupon the amount named in the warrant shall be deemed deposited in the treasury for the use and benefit of the person entitled thereto, and no interest thereon shall thereafter be paid. The superintendent of public works may decline to make the appropriation in any case, if in his judgment the compensation awarded is excessive, but the costs in such case shall be paid by the state.

Bill of costs rendered to superintendent.

Requisition for costs and compensation.

Section 451. Sec. 451. Costs accruing in proceedings in error in the appropriation of property under the preceding sections shall be paid by the party failing therein. The superintendent of public works may deduct unpaid costs for which the owner of property is liable from the compensation awarded him and pay such costs to the persons or officers entitled thereto.

Costs in proceedings in error.

Section 455. Sec. 455. When private property is injured by a break, leakage or overflow of a canal, slack water, pool, reservoir or other public work, or by the insufficiency or by the filling up of a culvert thereof, or by the washing away of earth caused by a dam under the control of the superintendent of public works, the owner of such property shall apply in writing to the superintendent of public works for damages, within one year from the occurrence of the injury, but no such application shall be received after such period.

Application in writing by owner for damage to private property.

Section 457. Sec. 457. Upon the filing of such application, the superintendent of public works may appoint three disinterested persons as commissioners to consider the claim. Before entering upon the discharge of his duties, each commissioner shall take an oath faithfully and impartially to

Commissioners to consider claim.

discharge the duties of his appointment. A majority of the commissioners shall be necessary to a decision upon a matter before them. They may summon and qualify witnesses, issue subpoenas and direct the service and return thereof in the manner provided by law for like service in the probate court.

Section 458.

Time and place of meeting.

Vacancies.

Sec. 458. Such commissioners shall meet at a time and place to be fixed by the superintendent of public works and give each applicant for damages reasonable notice thereof by letter. They may adjourn from day to day or from place to place as they deem necessary, until their duties are completed. If a commissioner fails to serve under his appointment, the other two commissioners may appoint a proper person to fill such vacancy. If more than one vacancy occurs, the superintendent of public works shall fill them.

Section 459.

Examination of property and hearing testimony.

Decision in writing delivered to superintendent.

Sec. 459. The commissioners shall examine the canal, reservoir, culvert, dam or other work where such injury occurred, and the property injured, and hear testimony offered by the applicant and in behalf of the state. If they are of the opinion that the injury resulted from defective construction of any part of the public works, which might have been avoided by the use of ordinary skill or care, or resulted from the want of proper care on the part of the officers or agents of the state in maintaining or repairing the construction of any part of the public works and that the accident was unavoidable by the use of ordinary care on the part of the applicant, they shall award him such damages as they deem just. The commissioners shall make their decision in writing, subscribe and deliver it to the superintendent of public works together with the subpoenas issued by them, their records and a statement of the number of days they were engaged in the discharge of their duties.

Section 460.

Compensation and mileage of commissioners.

Costs.

Tender.

Sec. 460. Each commissioner shall receive five dollars for each day of service and mileage at the rate of two cents per mile when actually engaged in the service of the state. The costs incurred by the commissioner shall be paid after the presentation of their award and report, upon the approval of the superintendent of public works from moneys appropriated for the maintenance of the canals, but if the damages awarded do not exceed the costs of the hearing, no payment of such damages shall be made. If no damages are awarded, the complainant shall pay the costs of the hearing. At any time before the decision of the commissioners, the superintendent of public works may tender the claimant such sum of money as he deems him entitled to from any available funds on hand, and if he accepts it, his claim shall be discharged. If the claimant refuses to accept the tender, he shall pay the costs incurred thereafter unless a larger sum is awarded him by the commissioners as damages.

Section 461. Sec. 461. The superintendent of public works shall cause each decision of the commissioners upon an application for damages to be recorded in the book kept for that purpose. The award of the commissioners, together with all records pertaining thereto, shall be submitted to the general assembly at its next regular session. Payments of compensation for damages so awarded shall be made from moneys specifically appropriated for that purpose.

Record of decisions.

Submission of award to general assembly.

Section 462. Sec. 462. When the superintendent of public works is of the opinion that an overflow of a canal, slack water, pool or reservoir under his control will be of frequent occurrence and injury to property will result thereby, he may appropriate an easement in such property to the extent to which he deems it liable to overflow or injury.

Power to appropriate an easement in property.

Section 464. Sec. 464. The superintendent of public works shall exercise all the powers and duties heretofore conferred by law upon the board of public works and the Ohio canal commission in the selling or leasing of canal or state lands, but no land lease, or sale of canal or state lands, shall be made except upon the written approval of the governor and the attorney general.

Powers and duties of board of public works and Ohio canal commission conferred upon superintendent.

Section 465. Sec. 465. The superintendent of public works shall have the custody and control of the books, records, papers, surveys, maps, plats and documents that pertain to any and all of the public works of Ohio.

Custodian of books, maps, plats, records, etc.

Section 468. Sec. 468. The superintendent of public works shall make an annual report to the governor containing a statement of the expenses of the public works under his supervision during the preceding year, setting forth an account of moneys expended on each of the public works during the year, and such other information and records as he deems proper. Such report shall contain a statement of the moneys received from all sources, and an estimate of the appropriations necessary to maintain the public works and keep them in repair. The report shall also contain a list of all persons regularly employed, together with the salary, compensation or allowance paid each, and whether fixed by the superintendent of public works or provided by law.

Annual report to governor.

He shall further from time to time when by him deemed necessary, or when called upon by the governor, so to do, make such other and further reports as are fit and proper touching on the general condition and welfare of the public works and the drainage, leaseholds, and water powers incident thereto.

Other reports.

STATE PARKS AND PLEASURE RESORTS.

Section 469. Sec. 469. The body of water and adjacent state lands in Licking, Fairfield and Perry counties, known as the Licking reservoir or Buckeye lake; the body of water and adjacent state lands in the northwestern part of Logan county, known as the Lewistown reservoir or Indian lake;

Dedication of certain bodies of water and adjacent state lands as public parks or pleasure resorts.

the body of water and adjacent lands owned by the state in the county of Mercer, known as the Celina grand reservoir; the bodies of water and adjacent lands owned by the state consisting of the Summit county lakes and reservoirs of the Ohio canal, known as the Portage-Summit reservoir, together with the Summit lake and sufficient of the Summit level of the Ohio canal to maintain the present water level of Summit and Nesmith lakes and the body of water and exterior lands adjacent thereto that are included in the reservoir constructed by the board of public works in Coventry township for the purpose of supplying water for the Ohio canal, known as "North reservoir," all situated in Summit county, are hereby dedicated and set apart forever for the use of the public, as public parks or pleasure resorts. The bodies of water mentioned in this section shall, in the order in which they are described, be named and designated as follows: "Buckeye lake," "Indian lake," "Lake St. Mary's" and the "Portage lakes."

Section 470. Sec. 470. The lakes named in the preceding section shall, at all times, be open to the public as resorts for recreation and pleasure, including hunting, fishing and boating, but the privileges of hunting and fishing shall be subject to the fish and game laws of the state, and the boating privileges shall be subject to the rules and regulations prescribed by the superintendent of public works.

Lakes open to the public for recreation and pleasure.

Section 471. Sec. 471. No state lands in or adjacent to Buckeye lake, Indian lake, Lake St. Mary's, or Portage lakes shall ever be sold, but the superintendent of public works may lease such lands, including marginal strips and marsh lands around said lakes, the outer slopes of artificial embankments, islands, borrow pits and state lands adjacent thereto as he deems proper under the laws governing the leasing of canal lands.

Certain state lands shall not be sold, but may be leased.

Section 472. Sec. 472. All lakes, reservoirs and state lands heretofore or that may hereafter be dedicated and set apart for the use of the public for park or pleasure resort purposes shall be under the control and management of the superintendent of public works. The superintendent of public works shall maintain such police regulations and enforce all needed rules for the government of the public parks, as shall be prescribed by law.

Lakes and lands under control of superintendent.

Section 473. Sec. 473. The superintendent of public works shall keep a separate account of all revenues derived from leases of state lands in and adjacent to such parks or pleasure resorts, likewise of all funds derived from the sale of special privileges in connection therewith, and shall credit, in a separate account, to each park or pleasure resort, all moneys derived from the lease of land or sale of special privileges in connection therewith.

Separate account of leases and privileges.

Section 475. Sec. 475. The superintendent of public works may appoint police patrolmen to preserve order and protect the public at any such reservoir and adjacent state land and

Police patrolmen.

prescribe their compensation not to exceed sixty dollars per month, and such police patrolmen shall have the same power and authority as constables in the discharge of their official duties, and their jurisdiction shall be co-extensive with the counties touching or including any portion of such public park or pleasure resort.

Powers, duties, salary, jurisdiction.

Section 476. Sec. 476. Before entering upon the duties of his office, each police patrolman shall give bond to the state of not less than five hundred dollars, nor more than one thousand dollars, to be fixed by the superintendent of public works and approved by him, conditioned for the faithful and diligent discharge of his duties, and take an oath of office, which oath shall be endorsed on the back of the bond. Such bond shall be filed and safely kept in the office of the treasurer of state.

Bond of police patrolmen.

Section 477. Sec. 477. All revenues derived from the granting of leases of lands, docks, boat landings and other special privileges connected with the state parks or pleasure resorts shall be covered into the treasury of the state to the credit of the general revenue fund.

Revenues paid into treasury.

Section 478. Sec. 478. The superintendent of public works shall collect or cause to be collected, all rentals for leases of state lands, pipe permits, boat licenses, dock licenses in state parks and moneys for special privileges of any nature in or adjacent to such parks and shall keep such accounts in separate books to be provided for that purpose, and in transmitting such funds to the state treasurer he shall accompany them with a separate statement, giving the names of persons from whom and for what purpose such moneys were collected, and to what park or pleasure resort such funds are to be credited, and shall furnish a duplicate statement to the auditor of state.

Collection of rentals, permits and licenses.

Accounts and duplicate statements.

Section 479. Sec. 479. On the first day of May of each year, through such officers as the superintendent of public works may designate, the following fees shall be collected upon all boats and watercraft maintained and operated, canal traffic boats excepted, in or upon any of the waters of any state reservoir dedicated or set apart for the use of the public for park or pleasure resort purposes, viz.: Rowboats carrying not more than five persons, one dollar; rowboats carrying more than five pesons, fifty cents additional for each person in excess of five; electric, naphtha and steam launches, steamboats and watercraft used for similar purposes, one dollar for each person of one hundred and seventy pounds that may be carried thereon with safety; all power boats, whether run by electricity, gasoline, naphtha, steam, or any other mechanical motive power when operated on any part of the canals or feeders thereto shall be subject to a fee of one dollar for each person of one hundred and seventy pounds that may be carried thereon with safety.

Annual collection of fees upon boats and watercraft.

Schedule of fees.

Section 480. Sec. 480. All moneys derived from such fees shall be credited to the general state funds and, upon the payment of such fees, the superintendent of public works shall issue a written permit, to be signed by him, authorizing such person, persons or corporation to maintain and operate the boats or watercraft, for which such fees have been paid, upon the waters of such public park or pleasure resorts, canals and feeders, in the manner prescribed in such permit. Such permit shall be revoked by the superintendent of public works on proof that such boat or boats are used for illegal purposes.

Written permits.

Revocation.

Section 481. Sec. 481. In carrying out the provisions of the preceding two sections the superintendent of public works shall procure suitable metal plates, numbered consecutively, to be issued annually to persons using boats on the water of such public parks, canals and feeders, for which the fees provided for therein shall be charged. No person shall maintain or operate a boat on the waters of any such public park or pleasure resort, canal or feeder thereto, without first obtaining the permit provided for by such sections and without displaying, at all times, such metal plates, in a conspicuous manner, upon the side or end of his boat, unobscured by paint or other covering. Any person violating any of the provisions of this section shall be fined not less than ten dollars nor more than fifty dollars, and stand committed until such fine and costs are paid. Justices of the peace shall have final jurisdiction within their respective counties in all cases of violation of this section, and neither party shall be entitled to a trial by jury.

Numbered metal plates and display of same.

Penalty.

Jurisdiction.

Section 482. Sec. 482. Every police patrolman appointed by the superintendent of public works to preserve order and protect the public, in accordance with these provisions may arrest on view or warrant and bring to justice a person violating any of the foregoing provisions, and if, in making an arrest, it is necessary for such patrolman to take possession of and hold a boat or boats or other property, he shall not be held liable for the loss of or any damage done such boat or boats or other property taken and held by reason of the failure of the owner or owners thereof to comply with the provisions hereof, provided ordinary care is exercised in the handling of such property, and no person shall take possession of a boat or other property which has been taken in charge by a police patrolman or other officer as herein provided, until such patrolman or officer has released it. Any person violating any of the provisions of this section shall be fined in any sum not less than five dollars nor more than twenty-five dollars, and shall stand committed until such fine and costs are paid.

Arrests by patrolmen.

Penalty.

Section 483. Sec. 483. The superintendent of public works shall cause to be inspected all boats and watercraft maintained and operated in or upon the waters of any such state reser-

Inspection of boats and watercraft.

voir, lakes, canals and feeders, and may condemn any such boat or watercraft deemed by him unsafe for the carrying of passengers, and the owner of a boat or watercraft so condemned who offers it for hire shall be fined not less than ten dollars nor more than one hundred dollars, and stand committed until such fine and costs are paid, and the permit issued to such person shall be revoked and annulled.

Penalty.

Section 484. Sec. 484. Nothing herein shall interfere with or affect the use of any state reservoir or lake dedicated or set apart as a public park or pleasure resort, for canal reservoir purposes, nor shall the superintendent of public works be restricted in any manner from making such repairs and improvements thereon as he may from time to time deem necessary for maintaining their safety and usefulness for canal purposes. The authority for the superintendent of public works to manage and control such reservoir or lakes, for canal purposes, shall remain and be the same as if no dedication of such reservoir or lake for park and pleasure resort purposes had been made.

Dedication does not affect certain rights of the state.

Section 485. Sec. 485. All laws for the protection of fish, birds and game, as relating to inland rivers and streams of the state, shall apply to all state reservoirs, canals and public parks.

Game laws applicable.

Section 486. Sec. 486. The superintendent of public works shall include in his annual report to the governor a statement setting forth his action on all matters pertaining to the management and control of all state reservoirs, lakes and lands set apart for public parks or pleasure resorts, which statement shall include a statement of the receipts and expenditures on account thereof.

Management and receipts and disbursements reported to governor.

Section 486-1. Sec. 486-1. It shall be expressly understood that in any law of this state where the term "board of public works," or "canal commission" appears, that the term "superintendent of public works" is hereby substituted.

"Superintendent" substituted for other terms.

Section 2. That sections 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 433, 434, 435, 436, 437, 438, 439, 440, 442, 443, 444, 445, 449, 450, 451, 455, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485 and 486 of the General Code be, and the same are hereby, repealed.

Repeals.

Section 3. This act is hereby declared to be an emergency act and that its enactment is necessary for the immediate preservation of the public peace, health, and safety. The necessity therefor lies in the fact that property of great value belonging to the state of Ohio, to-wit: Canals, reservoirs, dams and feeders cannot be properly safeguarded and managed without changing the law in conformity to

Emergency act.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

the amendment of section 12 of Article VIII of the constitution of the state of Ohio, establishing the office of the superintendent of public works of Ohio, approved September 3, 1912.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 6th, 1913.
Approved March 19th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 21st, 1913. 56 G.

[Senate Bill No. 149.]

AN ACT

To validate all petitions filed or granted and all proceedings had or contemplated under such petitions, all contracts made or to be made, bonds issued or to be issued, taxes and assessments levied or to be levied under the provisions of sections 6926 to 6956 inclusive of the General Code of Ohio.

PREAMBLE.

WHEREAS, The general assembly of the state of Ohio on the 10th day of May, 1910 (101 O. L., page 247), passed an act entitled "An act to provide for the laying out, construction, repair and improvement of public roads or parts thereof, and for straightening, widening, or altering, and draining of the same by the county commissioners," and

WHEREAS, Said act did not repeal sections 6926 to 6956 inclusive of the General Code unless by implication, and

WHEREAS, The county commissioners in many counties of the state have, since said date, received or granted petitions under said sections and provided for the construction, repair and improvement of public roads under said sections of the General Code and issued bonds and levied taxes and assessments therefor, believing said sections to be valid and existing statutes of the state of Ohio, and

WHEREAS, There is great doubt as to the validity of such petitions filed or granted, contracts made or to be made, taxes and assessments levied or to be levied and bonds issued or to be issued under sections 6926 to 6956 inclusive of the General Code, and

WHEREAS, The public welfare demands that such petitions filed or granted, contracts made or to be made, taxes and assessments levied or to be levied, bonds issued, or to be issued under sections 6926 to 6956 inclusive of the General Code be validated; now therefore,

Be it enacted by the General Assembly of the State of Ohio:

Section 6956-1.

SECTION 1. That proceedings for the construction, improvement or repair of stone and gravel roads in this state under the provisions of section 6926 to 6956 inclusive of the General Code since May 10th, 1910, and all petitions filed or granted, bonds issued or to be issued, taxes and assessments levied or to be levied on account of such roads, and all contracts made or to be made under the provisions of said sections, and any and all steps taken thereunder are hereby declared and held to be valid, and boards of county commissioners or other officers shall have full power and authority to proceed with the construction and completion of all roads in process of construction under said sections or contemplated by any petition heretofore filed or granted under said sections, and shall also have full power and authority to levy taxes and assessments and to sell bonds to pay for the construction and improvement of any such roads, and to do any and all things contemplated by such petitions under said sections.

Proceedings and contracts for construction and repair of roads under sections 6926 to 6956 are valid.

SECTION 2. This act is hereby declared to be an emergency measure and its enactment is necessary for the immediate preservation of the public safety and to authorize the levy of taxes and assessments to pay bonds issued or to be issued and to discharge obligations under contracts made or to be made under said sections.

Emergency act.

he sectional umber on the argin hereof is signated as ovided by law. MOTHY S. HOGAN, ttorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 5th, 1913.
Approved March 19th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 21st, 1913. 57 G.

[House Bill No. 146.]

AN ACT

To prevent persons operating motor vehicles upon the public highways while in a state of intoxication.

Be it enacted by the General Assembly of the State of Ohio:

Stion 12628-1.

SECTION 1. That it shall be a misdemeanor for any person to operate a motorcycle or motor vehicle of any kind upon any public highway or street while in a state of intoxication, and upon conviction he shall be subject to

Intoxicated person operating motor vehicle upon public highway or street, unlawful.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

punishment by a fine not less than twenty-five dollars nor more than one hundred dollars, or imprisonment in the county jail for not more than six months, or both.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 13th, 1913.
Approved March 21st, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 25th, 1913. 58 G.

[House Bill No. 40.]

AN ACT

To provide for instruction in preventing accidents.

Be it enacted by the General Assembly of the State of Ohio:

Section 7724-1

Instruction in preventing accidents.

SECTION 1. It shall be the duty of each teacher in the public schools of the state to devote not less than thirty minutes in each month, during the time such school is in session, for the purpose of instructing the pupils thereof as to ways and means of preventing accidents.

Section 7724-2.

Manual of instruction to be provided.

SECTION 2. The superintendent of public instruction shall prepare, publish and distribute, at the expense of the state, a manual conveniently arranged in chapters or lessons for the guidance of teachers in carrying out the provisions of this act.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 10th, 1913.
Approved March 21st, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 25th, 1913. 59 G.

[House Bill No. 232.]

AN ACT

To amend section 656 of the General Code, relating to delivery of securities to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 656 of the General Code be amended to read as follows:

Sec. 656. When any insurance company or corporation other than life, which has made a deposit with the superintendent of insurance, intends to discontinue its business in this state, the superintendent upon application of such company or corporation, shall give notice at its expense of such intention at least once a week for six weeks in three newspapers of general circulation in the state. After such publication, the superintendent shall deliver to such company or association its securities held by him, if he is satisfied by the affidavits of the principal officers of the company and on an examination made by him or by some competent, disinterested person or persons appointed by him, if he deems it necessary, that all liabilities and obligations which said deposit has been made to secure have been paid and extinguished; but the superintendent may, from time to time, deliver to such company or its assigns, under like condition, any portion of such securities on being satisfied that an equal proportion of said liabilities and obligations have been satisfied, if the amount of securities retained by him is not less than twice the amount of the remaining liabilities and obligations.

Discontinuance of insurance companies other than life.

Notice.

Superintendent may deliver securities to companies under certain conditions.

he sectional umber herein in conformity the General ode.

SECTION 2. That said original section 656 of the General Code be, and the same is, hereby repealed.

IMOTHY S. HOGAN, *ttorney General.*

JOHN H. LOWRY,
Speaker pro tem. of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed February 27th, 1913.
Approved March 21st, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State March 25th, 1913.

60 G.

[House Bill No. 633.]

AN ACT

To make an appropriation for the relief of flood sufferers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated the sum of two hundred and fifty thousand dollars from any monies in the general revenue fund not heretofore appropriated, for the relief of flood sufferers.

SECTION 2. Said sum shall be disbursed upon order of the governor by warrant drawn by the auditor of state.

SECTION 3. The governor is hereby authorized and directed to expend all or any part of such sum for the relief of sufferers from flood or fire arising therefrom, for the purchase of food, clothing, medicine, bedding, shelter and other supplies, or such other provisions that he may deem necessary or expedient.

SECTION 4. This act is hereby declared to be an emergency measure, the emergency therefor being that thousands of the citizens of Ohio have been rendered homeless and are in distress for lack of clothing, food and shelter by reason of a disastrous flood, and the passage of this act is necessary to preserve the safety and welfare of the people of Ohio, and therefore, this act shall take effect immediately.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 26th, 1913.
Approved March 26th, 1913.

JAMES M. COX,
Governor.
61 G.

[House Bill No. 54.]

AN ACT

To amend section 6418-1 of the General Code, relating to articles sold by avoirdupois weight or numerical count.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6418-1 of the General Code be amended to read as follows:

Articles named must be sold by weight or count, unless by agreement in writing.

Sec. 6418-1. All articles hereinafter mentioned, when sold, shall be sold by avoirdupois weight or numerical count, unless by agreement in writing of all contracting parties, viz.: apples, grapes, peaches, pears, plums, quinces, cran-

berries, prunes, raisins, dates, figs, dried apples, dried peaches, apricots, rice, beans, green beans, carrots, onions, parsnips, Irish potatoes, sweet potatoes, tomatoes, turnips, beets, sugar beets, peas, green peas, cabbage, cauliflower, endive, lettuce, spinach, sauerkraut, barley, bran, buckwheat, corn in ear, shelled corn, wheat, rye, oats, sweet corn in ear, shelled sweet corn, hominy, dried sweet corn, popcorn in ear, shelled popcorn, bluegrass seed, broom corn seed, canary seed, cotton seed, castor oil bean, pine tree products and vegetable oils, clover seed, timothy seed, hemp seed, Hungarian grass seed, malt, millet, onion sets, orchard grass seed, rape seed, red top seed, English walnuts, black walnuts, hickory nuts, Brazil nuts, pecans, almonds, filberts, ice, coal, coke, lime, salt, sugar, tea, coffee, bulk spices, cheese, butter, oleomargarine, lard, fresh and salt meats, fish, game, fowls, flour, corn meal, chopped feed, pepper in bulk, and candy in bulk. Nothing in this section shall apply to seeds and other articles in sealed packages. Whoever sells or offers for sale any article in this section enumerated, in any other manner than herein specified, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars for the first offense, and not less than twenty-five dollars nor more than two hundred dollars for the second offense, or imprisoned not more than three months, or both.

Act does not apply to seeds and other articles in sealed packages

Penalty.

The sectional number herein is in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 6418-1 be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 27th, 1913.
Approved March 29th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 3d, 1913.
62 G.

[House Bill No. 109.]

AN ACT

To amend section 5784 of the General Code, relating to the misbranding of drugs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5784 of the General Code be amended to read as follows:

Sec. 5784. A drug shall be misbranded within the meaning of this chapter: 1. If the package fails to bear a statement on the label of the quantity or proportion of

What constitutes misbranding of drugs.

grain or ethyl alcohol, morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide or any derivative or preparation of such substances contained therein, provided, that the provisions of this section shall not apply to the prescriptions of regular licensed physicians, dentists and doctors of veterinary medicine, nor to such drugs and preparations as are officially recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, and which are sold under the name by which they are so recognized; (2) if the package containing it or any label thereon bears a statement, design or device regarding it or the ingredients or substances contained therein, which is false or misleading in any particular; (3) if the package containing it or any label thereon bears or contains any statement, design or device regarding the curative or the therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.

False or misleading statement on label or package.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 5784 of the General Code be and the same is hereby repealed.

JOHN H. LOWRY,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed March 4th, 1913.
Approved March 29th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 3d, 1913.
63 G.

[House Bill No. 210.]

AN ACT

To amend section 375 of the General Code, relating to the duties of the state dairy and food commissioner.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 375 of the General Code be amended to read as follows:

Sec. 375. The state dairy and food commissioner shall enforce the laws against fraud, adulteration or impurities in foods, drinks or drugs, and unlawful labeling within the state. The state dairy and food commissioner, in collaboration with the official chemists of the state dairy and food department, shall establish standards of quality, purity and strength for foods, when such standards are not otherwise established by any law of this state. Such standards shall conform to the standards for foods adopted by the United States department of agriculture. The state dairy and food commissioner, in collaboration with the official chemists of

Duties relating to food, drinks and drugs.

the state dairy and food department, shall make such uniform rules and regulations as may be necessary for the enforcement of the food, drug, dairy and sanitary laws of this state. Such rules and regulations shall, where applicable, conform to, and be the same as, the rules and regulations adopted from time to time for the enforcement of the act of congress, approved June 30, 1906, and known as "The food and drugs act." The state dairy and food commissioner, each assistant commissioner, and each inspector shall inspect drugs, butter, cheese, lard, syrup and other articles of food or drink, made or offered for sale in the state, and prosecute or cause to be prosecuted each person, firm or corporation engaged in the manufacture or sale of an adulterated drug or article of food or drink, in violation of law.

Inspections and prosecutions.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 375 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 10th, 1913.
Approved March 29th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 3rd, 1913.
64 G.

[House Bill No. 77.]

AN ACT

To amend section 6415 of the General Code, relating to measures for measuring commodities other than liquids.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6415 of the General Code be amended to read as follows:

Sec. 6415. The peck, half-peck, quarter-peck, quart and pint measures for measuring commodities other than liquids, shall be of the interior dimensions and capacities as follows, to-wit: the peck measure shall be eleven inches in interior diameter, five and five-eighths inches in interior depth, and shall contain five hundred thirty-seven and six-tenths cubic inches; the half-peck measure shall be eight and one-half inches in interior diameter, four and three-quarter inches in interior depth, and shall contain two hundred sixty-eight and eight-tenths cubic inches; the quarter-peck measure shall be six and five-eighths inches in interior diameter, three and seven-eighths inches in interior depth, and shall contain one hundred thirty-four and four-tenths cubic inches; the quart measure shall be five and five-

Dimensions and contents of measures for commodities other than liquid.

sixteenths inches in interior diameter, three inches in interior depth, and shall contain sixty-seven and two-tenths cubic inches; the pint measure shall be four and one-half inches in interior diameter, two and nine-twenty-fifths inches in interior depth, and shall contain thirty-three and six-tenths cubic inches.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 6415 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 12th, 1913.
Approved March 29th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 3rd, 1913.
65 G.

[House Bill No. 552.]

AN ACT

To issue duplicate warrant on the state treasurer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of state is hereby authorized to issue the following duplicate warrant on the state treasurer, the original of which has been lost or destroyed:

Duplicate warrant.

Warrant No. 10973, series of 1912, for the sum of one hundred seven and No/100 ($107.00) dollars for the drill pay to Troop B; and said original warrant having been issued in the name of First Lieutenant Ben Chamberlain, the then commanding officer of Troop B, Ohio National Guard, and the said Chamberlain now being absent from Columbus and by an order issued by the adjutant general of Ohio, being special orders No. 33, paragraph 2, dated February 13, 1913, the said Chamberlain having been relieved from command of said Troop B and Second Lieutenant Simeon Nash having been placed in command, be it further enacted that said duplicate warrant be hereby authorized to be issued by the auditor of state in the name of said Second Lieutenant Simeon Nash the present commanding officer of said Troop B, in order that the same may be drawn by him without further delay.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The within bill does not require codification.
TIMOTHY S. HOGAN, *Attorney General.*

Passed March 19th, 1913.
Approved April 12th, 1913. JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 14th, 1913.
66 G.

[House Bill No. 640.]

AN ACT

To authorize county commissioners, township trustees, boards of education, road commissioners, councils of municipal corporations and boards and officers thereof temporarily to repair, reconstruct and replace public property and public ways destroyed or injured by floods occurring in March and April, 1913; to authorize county commissioners and councils of municipal corporations to borrow and expend money for the purpose of cleansing public places and private grounds and buildings and removing therefrom any matter deposited therein by said flood which is inimical to the public health, safety or convenience; and to exempt proceedings for the permanent repair, reconstruction and replacement of such public property and public ways, and bonds issued and levies made for such purposes from certain requirements and limitations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The commissioners of any county or any road district, the board of education of any school district, the council of any municipal corporation or the trustees of any township are hereby empowered to authorize or enter into contracts temporarily to repair, reconstruct or replace any public property or public way which such commissioners, council or trustees are authorized to repair, reconstruct or construct under any general law of this state, if such public property or public way has been destroyed or injured by floods occurring in March and April, 1913, and if urgent public necessity exists for the making of such temporary repair, reconstruction or replacement; and to appropriate money, levy taxes, borrow money or issue bonds for such purposes. None of the provisions of the General Code requiring notice of any like repair or improvement to be given, imposing any limitation upon the time within which like contracts may be entered into or authorized; requiring competitive bidding in entering into like contracts; requiring the issuance by the auditor or clerk of a certificate that the money for such contracts is in the treasury or in process of collecting, unappropriated for any other purpose; requiring ordinances for like purposes to be published; requiring the submission of propositions to make like repairs or to reconstruct or construct like public improvements, property or way, or to expend money or levy taxes therefor to a vote of the electors; or subjecting any ordinance or resolution making any such contract or authorizing the same to be made, to a referendum of the electors, shall in any way apply to or govern proceedings for entering into or authorizing such contracts, or appropriating money therefor. Directors of public service or safety in cities shall not be required to advertise for competitive bids in entering into any contract authorized by this section.

Empowering local authorities to make expenditures rendered necessary by flood, March and April, 1913.

Provided, however, before any such contract for temporary repair, reconstruction or replacement involving an

expenditure of more than five hundred dollars is authorized or entered into, such commissioners, board or council shall apply to the common pleas court of the county, or of any county in which any part of any such school district, road district or municipal corporation is located, or to any judge thereof. Such application shall set forth the nature of the repair, reconstruction or replacement proposed to be made, and the amount of money proposed to be expended upon each building, plant, sewer, aqueduct, reservoir, water mains (including water pipes connected therewith), apparatus, levee, embankment, street, alley, bridge, culvert, viaduct, or approach thereto, or to any of them, or upon each like public improvement or public way, and the necessity thereof. Such court or judge shall forthwith hear and finally determine such application, and if it is found that such public necessity exists, that the proposed repair, reconstruction or replacement is temporary in its nature and should be made forthwith, and that the amount of money proposed to be expended therefor is reasonable and justified by such necessity, said court or judge shall allow the application, and board of officers so applying shall be authorized to proceed in the manner provided in this section.

Application to common pleas court when amount exceeds $500.

This section shall not be so construed as in any way to restrict or impair the authority of any of the officers mentioned therein under any of the general laws of the state, nor to authorize any of them to refuse to make the regular levies under the provisions of such laws for road and bridge funds.

Authority to make regular levies not impaired.

SECTION 2. The council of any municipal corporation and the commissioners of any county are hereby empowered to borrow money in the manner specified in section 3 of this act, for the purpose of removing from the public places and private grounds or buildings in the corporation, or, as the case may be, in the county outside of municipal corporations therein, any obstruction or matter deposited therein by the floods mentioned in section 1 of this act, the presence of which is inimical to the public health, safety or convenience. The sum thus borrowed may be expended for the above mentioned purpose, in such manner and through such agencies as such council or commissioners, by resolution, may prescribe. Such resolution shall not be published nor be subject to a referendum. Contracts entered into by such council or commissioners, or by any board, officer or employe authorized by either of them to expend funds acquired under this section, shall not be subject to any provisions of the general law requiring competitive bidding. In the event that the power provided for in this section is exercised the local boards of health or health officers within and for the territory under the jurisdiction of such council or commissioners, as provided in this section, shall not have nor exercise any power or duty respecting the removal of such matter; but all the powers and

Borrowing money.

duties of such local boards of health shall, for the purposes of this act, be vested in and imposed upon such council or commissioners and the agencies designated by them as provided in this section.

SECTION 3. For the purposes mentioned in sections 1 and 2 of this act, and for the permanent repair, reconstruction or replacement of public property or public ways destroyed or injured in the manner, and at the time described in section 1 of this act, any board of county commissioners, board of education, township trustees or council of any municipal corporation or the road commissioners of any road district may issue bonds or notes of the corporation, subdivision or district as needed. Resolutions or ordinances providing for the issuance of such notes or bonds shall not be published, shall not require the approval of the electors nor be subject to any referendum. Such resolution or ordinances shall state the facts bringing them within the terms of this act, so far as the emergency is concerned, shall require for their passage the votes of two-thirds of all members elected to such board or council and the recitals therein contained shall be conclusive evidence of the facts recited.

Authority to issue bonds or notes.

SECTION 4. Notes issued under authority of section 3 of this act shall be signed as bonds of the corporation, subdivision or district are signed; shall not run for a longer period than eighteen months; shall not bear a greater rate of interest than six per cent.; and shall not be sold for less than par. Provided, however, that no greater amount of notes shall be issued under authority of said section 3 by the authorities of any subdivision, corporation or district than shall equal the aggregate of a tax at the rate of five-tenths of one mill on each dollar of taxable property in such tax district as is listed and assessed for taxation in the year 1912.

Execution of notes and time to run.

SECTION 5. Bonds issued under authority of section 3 of this act shall be signed as other bonds of the corporation, subdivision or district are required by general law to be signed. They shall recite on their face the purpose for which they are issued and shall state therein that they are issued under authority of this act. They shall be issued in such denominations, at such rate of interest, not exceeding six per cent., and for such period of time as the authority issuing them may determine in the resolution or ordinance providing for their issue; provided, however, that no greater amount of such bonds shall be made payable in any one year than shall equal one-tenth of one per cent. of the total value of the property in such municipal corporation, subdivision or district, as listed and assessed for taxation in the year 1912. Such bonds may be sold at popular subscription or otherwise at not less than par, their sale shall be advertised by notice published once a week, for two consecutive weeks in one newspaper published and of general circulation in the county, or in either county, in case the

Execution of bonds.

municipal corporation or district is located in more than one county. When sold at popular subscription they shall be distributed to bidders according to the rules prescribed for municipal bonds by section 3927 of the General Code. Bonds of a municipal corporation issued under authority of said section 3 of this act need not be first offered to the trustees or commissioners of the sinking fund or to the state liability board of awards as provided by general law. All other provisions of the general laws, not inconsistent with the provisions of this section, and with those of section 3 of this act shall apply to and govern the issuance and sale of such bonds.

Levy for payment of principal and interest.

Sinking fund.

SECTION 6. For the purpose of paying the principal and interest on notes issued under section 3 of this act, the authorities mentioned in said action, or those authorized by general law to levy taxes for any of the subdivisions mentioned in section 1 of this act, may levy a tax irrespective of any of the limitations of sections 5649-2 to 5640-5b of the General Code. In case such notes are funded by the issuance of funding bonds under the general laws, levies for interest and sinking fund purposes to provide for the retirement of such bonds shall not be included within any of the limitations of said sections. For the purpose of paying the interest on bonds issued under authority of said section 3 and providing a sinking fund for their final redemption at maturity, such authorities shall provide at the time such indebtedness is incurred, for levying and collecting, annually, by taxation, a sufficient amount, which amount shall be certified to the auditor of the proper county, who shall compute and ascertain the rate of levy necessary to provide therefor, and shall place the same upon the duplicate of the proper taxing district for the year or years for which it is certified, in addition to all other levies, and irrespective of any of the provisions or limitations of sections 5649-2 and 5649-5b, inclusive, of the General Code or any other limitations on tax rates at present in force. In no case shall funds produced by the levy authorized and required to be made by this section be used otherwise than for the purposes specified herein. In case money levied or borrowed under any of the provisions of this act is more than sufficient for the purposes for which it is levied or borrowed, the unexpended balance thereof shall be credited to the sinking fund provided for herein, and shall in no case be subject to transfer to any other fund; and when in such case, the final redemption of such bonds is provided for, the levy shall thereupon terminate. The commissioners of the county, the sinking fund trustees of the municipal corporation, the sinking fund commissioners of school districts in which such commissions are established, the board of education of any other school district and the clerk of any township shall administer the sinking fund provided for in this section, and shall have like power of investment thereof as is vested in trustees

of the sinking fund of a municipal corporation by the provisions of the general laws of this state. When in any year, through miscalculation or inadvertence the amount of the tax originally certified to the county auditor, as herein provided, is insufficient to provide for the payment of the interest and the maintenance of the sinking fund as required by this section, such trustees, commissioners or clerk shall compute and ascertain the necessary amount and shall certify the same to the county auditor, who shall compute and ascertain the rate of levy necessary to provide therefor, instead of the rate necessary to provide for the amount originally certified, and place the same upon the duplicate of the proper taxing district for such year. Whenever in any year, by reason of accretions to the sinking fund provided for herein, from any cause mentioned in this section, the amount originally certified is more than sufficient to provide for the final redemption of all outstanding bonds, and the payment of all interest due, such trustees, commissioners or clerk shall ascertain the amount necessary to provide for the final redemption of such bonds, and the payment of such interest, and shall certify such amount to the county auditor who shall ascertain the rate of levy necessary therefor, and shall place the same upon the duplicate of the proper taxing district for such year, instead of the rate necessary to provide for the amount originally certified. In such event no further levy shall be made for such purpose notwithstanding the requirements of the original certificate.

Except for the purposes mentioned in section 1 of this act and except when acting for such purposes under the general laws of the state and not under said section 1, none of the taxing authorities mentioned in this section shall borrow money or levy a tax for any of the purposes mentioned in this act under the general laws of the state unless such tax is necessary to provide for the payment of notes or bonds issued for such purposes and authorized prior to the passage of this act; but all moneys borrowed or taxes levied for the purpose of making repairs, reconstruction and replacement of public property and public ways destroyed or injured by the floods mentioned in section 1 of this act shall be borrowed or levied under the provisions of this act.

SECTION 7. Bonds issued for any of the purposes specified in section 3 of this act, or for the purpose of funding notes issued for such purposes, shall not be counted in ascertaining any of the limitations of sections 3939 to 3954-1, inclusive, of the General Code.

Bonds not counted in ascertaining limitations.

SECTION 8. Proceedings under the general laws of this state for the permanent repair, reconstruction or replacement of public property and public ways, destroyed or injured in the manner described in section 1 of this act, shall not be subject to any provisions of such laws requiring the submission of the proposition to make such repair,

Proceedings not subject to certain laws.

reconstruction of replacement, or to expend money for such purposes to a vote of the electors, or subjecting any ordinance or resolution making or authorizing to be made any such contract to a referendum. Money to be derived from bonds or notes issued under authority of section 3 of this act shall, when their issuance is authorized, and for the purpose of the certificate that money for the specific purpose is in the treasury, as required by the general law, be deemed in the treasury and in the appropriate fund.

Definitions.

SECTION 9. The term "public property," as used in this act means and embraces, among other things of like nature, any public building, school house, publicly owned and operated public utility and all equipment, wires, poles, pipes, machinery and all other things used in connection therewith, any street or road machinery, fire and police apparatus, any public works of any kind, levee, embankment, ditch, drain, storm sewer, sanitary sewer, bridge, culvert, viaduct or approach to any of them, and, all and singular, every kind and description of public improvement, building, structure or article of public use which the authorities mentioned in this act are severally empowered by the laws of this state to make, construct, purchase or maintain and repair, save and excepting those which are herein defined to be public ways. The term "public ways" means and embraces streets, alleys, sidewalks, and public places and all things appurtenant thereto in municipal corporations, and the paving or other improvements heretofore constructed or made thereon, whether by assessment of abutting property or otherwise; and all public highways and roads, including those for the repair of which county commissioners are authorized to make emergency levies under sections 7419 and 5649-4, General Code. Provided, however, that in case any road or highway is repaired under authority of this act by any board of county commissioners, such commissioners shall not be authorized thereafter to levy for the repair of such road or highway under the provisions of section 7419, General Code, save for emergencies arising subsequently to the occurrence of the floods mentioned in section 1 of this act. The term "replacement" as used in this act includes the temporary establishment and operation of ferries and the widening, deepening or straightening of any river, creek or run which overflowed its banks and caused damage to public or private property at the time mentioned in section 1 of this act, as provided in sections 2428 and 3623 of the General Code, for the purpose of preventing the recurrence of destructive floods. In addition to the powers vested in municipal corporations by section 3677, General Code, such municipal corporations shall have special power to appropriate, enter upon and hold real estate within and without their corporate limits in furtherance of the above mentioned purpose. Provided, however, that proceedings for the permanent deepening, widening or straightening of a river, creek

or run shall be subject to the approval of the electors or to a referendum as provided by general law.

SECTION 10. For the purpose of providing for the additional work imposed upon the engineering departments of counties and municipalities by reason of the flood mentioned in section 1 of this act, the county commissioners of any county and the council of any municipal corporation are hereby empowered to authorize the employment of additional assistant or assistants to the county surveyor or city or village engineer, and to appropriate any money borrowed under the provisions of this act, or otherwise available, for the salary or compensation of such assistant or assistants. Additional engineers.

SECTION 11. Bonds, the issuance of which has been provided for, prior to the passage of this act, for the purpose of permanently repairing, reconstructing or replacing public property damaged or destroyed by the floods mentioned in section 1 of this act shall not be counted in ascertaining any of the limitations of sections 3939 to 3954-1, inclusive, of the General Code. Interest and sinking fund levies to provide for the retirement of such bonds shall not be subject to any of the provisions or limitations of sections 5649-2 to 5649-5b, inclusive, of the General Code. Prior bonds not counted in ascertaining limitations.

SECTION 12. This act is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace, health and safety. Such necessity arises from the fact that by reason of the floods mentioned in section 1 of this act many important channels of communication by travel in the state have been interrupted, impaired or destroyed; many public utilities, and other public property, the immediate restoration of which is necessary to the public health and safety have been destroyed or injured; means of preserving the public peace have been interfered with, and the situation in the flooded districts is such as cannot adequately be met by any proceedings under the general laws of this state. Therefore this act shall take effect from and after its passage and approval. Emergency act.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 10, 1913.
Approved April 12, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 14th, 1913.
67 G.

[House Bill No. 650.]

AN ACT

To make building and loan associations, organized under the laws of the state of Ohio and located in those portions of the state of Ohio affected by the floods of , 1913, depositories of state funds for a period not to exceed two years.

Be it enacted by the General Assembly of the State of Ohio:

Building and loan associations in flooded districts made depositories for state funds for period of not more than two years.

SECTION 1. That in order to meet the emergency arising from the devastation caused by the unprecedented floods of ....., 1913, in portions of the state of Ohio, and in order to conserve and preserve the life, health and peace of the people of those portions of the state of Ohio, the state treasurer of the state of Ohio, with the approval of the governor, is hereby authorized to deposit funds of the state of Ohio, not exceeding in the aggregate three million dollars, with building and loan associations organized under the laws of the state of Ohio and located in those portions of the state of Ohio so affected by the said floods, said sums to be deposited with said associations for a period not to exceed two years from the passage of this act.

SECTION 2. Such of said associations in said portions of said state as desire to avail themselves of the provisions of this act shall have the right at any time from the date of the passage hereof to apply to become depositories of said funds, and upon said associations being approved by the state board of deposits, in writing, to be proper depositories for the state funds, the state treasurer shall apportion and deposit said funds among said associations as in his judgment may be in accordance with the respective needs of said associations and the territory in which they are located, but in no case shall any association have on deposit at any one time more than its paid-in capital stock, and in no event more than three hundred thousand dollars. The state treasurer shall apportion and deposit said funds from time to time as applications are received therefor.

SECTION 3. All deposits so deposited shall be in the form of inactive deposits and shall bear interest at the rate of four percentum, per annum, payable quarterly, and shall be secured by surety company bonds acceptable to the state treasurer for an amount equal to the amount deposited plus five per cent., or by a deposit of state, county, municipal bonds of the state of Ohio or United States government bonds acceptable to the treasurer of the state of Ohio, equal to the amount deposited plus five percentum, conditional for the receipt and safe keeping and payment over to the state treasurer on his written order of all moneys ..... which may so come into the custody of such associations. Such surety company bonds shall be made out on forms to be furnished by the treasurer of state, and to be approved by the attorney general.

SECTION 4. Said associations shall also file with the state treasurer demand certificates of deposit in an amount equal to the total amount deposited, which shall specify the payment of interest at the rate of four per cent. payable quarterly, and shall be signed by the secretary or other authorized officer of the said associations, and said associations shall have the option of redeeming said certificates at any interest paying period by repaying into the state treasury the amount so deposited, or any portion thereof in sums of not less than one thousand dollars with interest thereon to the date of said repayment.

SECTION 5. For the purpose of making the deposits provided for in this act, the treasurer of state is hereby authorized and directed to withdraw from the inactive depositories funds therein deposited in an amount not exceeding in the aggregate that mentioned in section one of this act; such withdrawals shall be made as far as possible from such inactive depositories not located in territories affected by the floods mentioned in section one of this act, but in all other respects shall be made in conformity with the provisions of section 330-2 of the General Code.

SECTION 6. This act is hereby declared to be an emergency law necessary for the immediate preservation of the public peace, health and safety, and shall take effect and be in force from and after its passage; the necessity arising from the fact that by reason of the widespread destruction of and damages to residences in such flooded districts and of the sewer connections and sanitary arrangements in the homes therein, the public peace, health and safety is menaced and would be conserved and benefited by depositing state funds in building and loan associations in such flooded districts for a period not to exceed two years to enable such associations to loan money to the owners of property in such districts for rebuilding and repairing their homes and residences and placing them in sanitary condition.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 10th, 1913.
Approved April 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 14th, 1913.
68 G.

[Senate Bill No. 190.]

AN ACT

To authorize the board of education of the London Village School Districts of London, Madison County, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

London village school district authorized to transfer funds.

SECTION 1. That the board of education of the London village school district, of London, Madison county, Ohio, be and the same is hereby authorized to transfer two thousand three hundred forty-three dollars from its sinking fund to its contingent fund.

This act is special and temporary and does not require sectional numbering in the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 14th, 1913. 69 G.

[Sub. Senate Bill No. 78.]

AN ACT

To provide for the appointment of a commission to investigate the subject of rural credits and co-operative agricultural societies, and to suggest legislation in conformity with their findings and make an appropriation therefor.

Be it enacted by the General Assembly of the State of Ohio:

Commission to investigate subjects of rural and farm credits.

SECTION 1. That the governor be and is hereby authorized to appoint three competent persons as a commission to investigate the subjects of rural and farm credits and other matters in direct connection therewith. Such commission shall be appointed and commence the discharge of their duties as soon as possible after the passage of this act and shall report to the governor within one year from appointment, the result of their investigation with the view of establishing in this state and in this country a sound system of rural and agricultural finance.

Two members who shall visit Europe.

SECTION 2. The governor shall designate two members of such commission who shall accompany and take part in the commission, which under the auspices of the Southern Commercial Congress is to visit during 1913, the various countries of Europe and there investigate the different systems of co-operative agricultural societies and rural credits.

SECTION 3. Such commission shall prepare separate reports upon both the foreign and home investigations and shall file them with the governor. The governor shall transmit such reports to the general assembly at the regular or special session next following. Reports to governor.

SECTION 4. The governor is hereby authorized to fill any vacancy which may occur in said commission. Vacancy.

SECTION 5. Said commission shall serve without compensation and shall render an account to the governor of all expense connected therewith. The total expense of the foreign investigation shall not exceed the sum of $2,400.00, and the total expense of the commission shall not exceed $3,400.00. The sum of $3,400.00 is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated. Expense; appropriation.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 14th, 1913. 70 G.

[Senate Bill No. 88.]

AN ACT

To authorize the licensing and inspection of agricultural lime.

Be it enacted by the General Assembly of the State of Ohio:

Section 1177-44. SECTION 1. Whoever manufactures, sells or offers for sale, exposes for sale or distribution in the state any agricultural lime to be used as a fertilizer or land improver, shall furnish with each carload lot or quantity in bulk thereof or shall affix to each package or bulk of agricultural lime, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in such car or quantity in bulk or in each package sold or offered for sale, the name of the manufacturer or shipper, the place of manufacture, the place of business, the source and state of combination, and a chemical analysis stating the minimum percentage of calcium oxide, the minimum and maximum percentage of magnesium oxide, the minimum percentage of carbonate of lime, the minimum percentage of carbonate of mag- Statement required on outside of quantity, bulk or package of agricultural lime, offered for sale.

nesium, the percentum of the total material that will pass through a one hundred mesh sieve to the lineal inch, the percentum of the total material that will pass through a fifty mesh sieve to the lineal inch and the percentum of the total material that will pass through a ten mesh sieve to the lineal inch, provided, that statement as to the degree of fineness shall apply to marl and ground lime rock only.

In case of agricultural lime, sold at factory or shipped in bulk, or delivered in wagon load, it shall be accompanied by at least one such statement as above required, affixed in a conspicuous place on the carrier of such agricultural lime or adjacent thereto.

No other form of analysis, and no duplication of terms or the equivalent thereof in other terms shall be used, and no percentage higher than the lowest actually guaranteed shall be applied to a package or printed upon a bag or used in printed matter descriptive of such material, and no false or misleading name, brand or trade mark, shall be used in designating it.

Section 1177-45. What agricultural lime shall include.

SECTION 2. The term agricultural lime, as here used, shall include all quick lime, both lump and ground, ground lime stone, ground or pulverized oyster shells, sulphate of lime or plaster, hydrated lime, gas lime, marl, and all other similar products.

Section 1177-46. Annual license fee and certificate.

SECTION 3. Before any agricultural lime is sold, offered or exposed for sale in the state, the person, firm, or corporation thereof shall pay each year, a license fee to the state board of agriculture of thirty dollars for each brand or kind of agricultural lime sold or offered for sale, and shall receive from said state board of agriculture a license certificate to sell such brand or kind of agricultural lime until the first day of January next following; provided that when any person, firm or corporation, shall have paid the license fee as herein provided, it shall not be necessary for any agent or representative, or any persons selling the product so tested to pay such fee.

Section 1177-47. Penalty for sale in violation of act.

SECTION 4. Any person, firm or corporation, who shall sell, offer or expose for sale, or for distribution in this state any agricultural lime without complying with the preceding sections shall on conviction be fined not more than one hundred dollars for the first offense and not more than two hundred dollars for each subsequent offense.

Section 1177-48. Annual analysis of agricultural lime offered for sale.

Authority to take sample.

SECTION 5. The state board of agriculture shall annually analyze, or cause to be analyzed, at least one sample of every kind of agricultural lime sold or offered for sale within the state under the provisions of this chapter if found upon the markets of the state. The said board of agriculture is hereby authorized and directed, either in person or by deputies, to take a sample of said analysis from any lot or package of agricultural lime which may be in the possession of any person, firm or corporation, or agent thereof, or while in transit in the state. The result of the analysis of the sample, or samples, so procured, to-

gether with such additional information as circumstances advise or suggest, shall be published in reports or bulletins issued from time to time, and also be a basis upon which prosecution may be brought. Publication of result of analysis.

Any person who is not a dealer in, or agent, for some lime company, can forward sample of agricultural lime for analysis to the department of agriculture at Columbus, express charges prepaid, by putting at least two pounds thereof into two cans, or jars, marked to identify it and show by whom sent, with the name and address of the person or firm from whom the agricultural lime was purchased, and the amount purchased, accompanied by a fee of one dollar for each element for which analysis is asked. A person not a dealer may obtain analysis.

Section 1177-49. SECTION 6. All the samples of lime for analysis by or under the direction of the state board of agriculture shall be from goods that have not been injured in transit, or by exposure; the surface layer to be avoided when sampling oxide of lime, and the sample to be protected immediately by placing it in package or packages and promptly sealing before forwarding to the state board of agriculture for analysis. How samples for analysis shall be selected.

Section 1177-50. SECTION 7. The state board of agriculture is hereby authorized to make such rules and regulations as may be deemed necessary for carrying into effect their duties as prescribed by this act. Rules and regulations.

Section 1177-51. SECTION 8. The monies received under the provisions of section 3 of this act shall, in so far as is necessary therefor, be expended for the purpose of sampling and analysis as provided in this act, and any balance remaining thereof shall be paid into the state treasury accredited to the general revenue fund. The state board of agriculture shall in its annual report include a detailed statement of the samples so taken and the analyses so made. Such report shall also contain a statement of the amount and manner of disposal of the monies collected in pursuance of this act. Application of moneys received under this act. Detailed statement of analyses in annual report.

Section 1177-52. SECTION 9. Any person who shall obstruct the state board of agriculture, or its deputies, when in the discharge of any duty or duties prescribed in the foregoing sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, or more than five hundred dollars. Penalty for obstructing board in its duties.

Section 1177-53. SECTION 10. If any purchaser of agricultural lime shall be injured by the guarantee of oxide of lime, or hydro oxide, or carbonate, or a mixture thereof, or other valuable ingredient falling short of the guaranteed amount, the measure of such injury which the purchaser is entitled to recover from the seller shall be twice the amount that the ratio of such shortage bears to the selling price; provided, that if the amount found is less than nine-tenths of the amount guaranteed the vendor shall be liable to a further penalty of a fine of twenty-five dollars for the first offense and fifty dollars for each subsequent offense, said fine to be paid into the fund provided for in section 8. Penalty when purchaser injured by guarantee.

Section 1177-54. Jurisdiction.

SECTION 11. In prosecutions under this act a justice of the peace, police judge, mayor, or similar court shall have final jurisdiction thereof.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

The sectional numbers as changed on margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed March 25th, 1913.
Approved April 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 15th, 1913. 71 G.

[Senate Bill No. 132.]

AN ACT

To provide for the payment of wages at least twice in each calendar month.

Be it enacted by the General Assembly of the State of Ohio:

Section 12946-1. Bi-monthly payment of wages.

SECTION 1. That every individual, firm, company, copartnership, association or corporation doing business in the state of Ohio, who employ five or more regular employes, shall on or before the first day of each month pay all their employes engaged in the performance of either manual or clerical labor the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and shall on or before the fifteenth day of each month pay such employes the wages earned by them during the last half of the preceding calendar month; provided, however, that if at any time of payment an employe shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, such person shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and where such pay is due. Provided nothing herein contained shall be construed to interfere with the daily or weekly payment of wages.

Section 12946-2. No exemption by special contract from provisions of this act. Assignment of future wages invalid.

SECTION 2. No such corporation, contractor, person or partnership shall by a special contract with an employe or by any other means exempt himself or itself from the provisions of this act, and no assignments of future wages, payable semi-monthly under these provisions shall be valid, but nothing in this act shall prohibit the assignment by an employe of ten percentum of his personal earnings, earned or unearned, to apply on a debt for necessaries. Whoever

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

violates the provisions of this act shall be punished by a fine of not less than twenty-five nor more than one hundred dollars. Penalty.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 12th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 15th, 1913. 72 G.

[House Bill No. 134.]

AN ACT

Providing a levy and to create a fund for the purposes provided in the act passed May 31st, 1911, entitled, "an act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code" approved June 9th, 1911. (102 Ohio laws, pages 333-349), and for other purposes defined herein.

Be it enacted by the General Assembly of the State of Ohio:

Section 6859-1. SECTION 1. There shall be levied a tax of one-half of one mill on all the taxable property within the state, to be collected as are other taxes due the state and the proceeds of which shall constitute the state highway improvement fund. Creation of state highway improvement fund.

Section 6859-2. SECTION 2. Seventy-five per cent. of all money paid into the treasury of the state by reason of said levy shall be applied to the maintenance of the state highway department and for the construction, improvement, maintenance and repair of an inter-county system of highways in the state, in the manner designated in the act of the general assembly, entitled, "an act creating a state highway department, defining the duties thereof, and providing aid in the construction and maintenance of highways, and to repeal certain sections of the General Code," approved June 9, 1911 (102 O. L. pages 333-349), and acts amendatory thereof and supplementary thereto. Portion to be applied to maintenance of department and construction of inter-county highways.

Section 6859-3. SECTION 3. Twenty-five per cent. of all moneys paid into the treasury of the state by reason of said levy shall be used for the construction, improvement, maintenance and repair of certain main market roads in said state, and the same shall be located along and upon the route or portions of said inter-county highways designated as follows, to-wit: Portion to be used in construction, etc., of designated market roads.

Routes.

Route No. I, to be known as the Lake Shore route, commencing at a point on the dividing line between Ohio and Pennsylvania in Ashtabula county, northeast of the city of Conneaut; thence in a westerly direction passing through the municipalities of Ashtabula, Geneva, Painesville, Willoughby, Euclid, Cleveland, Lakewood, Rockport, Elyria, Oberlin, Norwalk, Monroeville, Bellevue, Clyde, Fremont, Elmore, Toledo, Swanton, Delta, Wauseon, Archibold, Stryker, Bryan, Edgerton to a point on the dividing line between Ohio and Indiana, west of Edgerton.

Route No. II, to be known as the Youngstown and Cleveland route, commencing at a point on the dividing line between Ohio and Pennsylvania in Mahoning county, southeast of Youngstown and running thence in a northwesterly direction through the municipalities of Lowellville, Struthers, Youngstown, Girard, Niles, Warren, Ravenna, Kent and intersecting route number nine (9) between Akron and Hudson.

Route No. III, to be known as the North Central route, beginning at Bridgeport and passing through the municipalities of Martins Ferry, Steubenville, Toronto, Wellsville, East Liverpool, Lisbon, Canton, Massillon, Wooster, Ashland, Mansfield, Galion, Marion, Kenton, Lima, Delphos, Van Wert, to a point on the dividing line between Ohio and Indiana at or near the southeast corner of Paulding county.

Route No. IV, to be known as the National road, commencing at Bridgeport, thence in a westerly direction passing through the municipalities of St. Clairsville, Cambridge, Zanesville, Columbus, West Jefferson, London, Springfield, Dayton, West Alexandria, Eaton, to a point on the dividing line between Ohio and Indiana.

Route No. V, to be known as the South Central route, commencing at Marietta and running thence in a westerly direction through the municipalities of Belpre, Athens, McArthur, Chillicothe, Hillsboro, Lynchburg, Milford, Cincinnati, Addyston, to a point on the dividing line between Ohio and Indiana; also from Chillicothe through Washington C. H., Jamestown and Xenia to the city of Dayton.

Route No. VI, to be known as the Southern route, commencing at Coolville on route number 5 and running thence in a westerly direction passing through the municipalities of Pomeroy, Middleport, Gallipolis, New Boston, Portsmouth, West Union, Georgetown, Bethel, to the city of Cincinnati; also from Toledo through Maumee, Napoleon and Ottawa to Lima.

Route No. VII, to be known as the Western route, commencing at Toledo, thence in a southerly direction passing through the municipalities of Perrysburg, Bowling Green, Findlay, Bluffton, Lima, Wapakoneta, Sidney, Piqua, Troy, Dayton, West Carrollton, Miamisburg, Franklin, Middletown, Hamilton, Cincinnati.

Route No. VIII, to be known as the Central route, commencing at Sandusky in a southerly direction, passing through the municipalities of Fremont, Tiffin, Upper Sandusky, Marion, Prospect, Radnor, Delaware, Columbus, Circleville, Chillicothe, Waverly, to the city of Portsmouth; and from Sandusky to Bucyrus to Marion. From Fremont running in a northeasterly direction to the municipality of Port Clinton.

Route No. IX, to be known as the Eastern route, commencing at Cleveland, thence in a southerly direction passing through the municipalities of Bedford, Hudson, Akron, Canton, Mineral City, Canal Dover, New Comerstown, West Lafayette, Coshocton, Dresden, Zanesville, Somerset, New Lexington, Corning, Glouster, Jacksonville, Athens and to the intersection of route No. 6.

Route No. X, to be known as the Cleveland and Cincinnati route, commencing at Cleveland, thence in a southwesterly direction passing through Medina, Creston, Wooster, Loudonville, Mt. Vernon, Westerville, Columbus, Mt. Sterling, Washington C. H., Sabina, Wilmington, Clarksville, Morrow, Foster, Pleasant Ridge, to the city of Cincinnati.

Route number XI, to be known as the Midland route, commencing at Zanesville, Muskingum county, Ohio; thence in a northwesterly direction to Newark, Licking county; thence to Delaware, Delaware county; thence in a southwesterly direction to Marysville, Union county; thence in a northwesterly direction to Bellefontaine, Logan county; thence continuing in a northwesterly direction through the village of Lakeview to Wapakoneta, Auglaize county; thence in a westerly direction through the city of St. Marys to Celina, Mercer county, and from thence in a westerly direction to the Indiana state line.

Route number XII, to be known as the Columbus and Ironton route, commencing at Columbus, thence in a southeasterly direction passing through Lancaster, Logan, McArthur, Hamden, Wellston, Vinton village, Thurman, Wales, Patriot, Waterloo to Ironton.

Section 6859-4. Construction may be begun where.

SECTION 4. The construction, improvement, maintenance and repair of said main market roads as defined and designated in the preceding section hereof may be begun at any point and shall be executed in such manner and method, with such road materials and in accordance with such plans, details and specifications, as may be adopted by the state highway commissioner with the approval of the governor; and as to such main market roads there shall be no necessity for petitions being presented and filed as in other improvements and no procedure for construction, improvement, maintenance and repairs of roads as is provided for in any other act or acts of the general assembly shall apply to such main market roads.

Petitions not required.

Section 6859-5. Authority to purchase equipment, materials and employ labor.

SECTION 5. The highway commissioner shall have power to purchase such equipment and materials and employ such labor as may be deemed necessary to execute

with skill and economy any work upon said main market roads without letting contracts for the same at public bidding; and he is further authorized to use convict labor in the building of said main market roads.

Section 6859-6.

Employment of convict labor upon highways.

Account to the state as to convict labor employed.

SECTION 6. The governor shall have power to direct and require the Ohio board of administration, the warden and such other officers who have charge of the keeping and maintenance of the prisoners in the Ohio penitentiary and Mansfield reformatory or both, to furnish to the state highway department such number of able bodied prisoners as the state highway commissioner may certify to the governor can be advantageously employed upon any part or parts of such work herein contemplated. If any such prisoners shall be so assigned for labor upon said highways, the transportation, housing, safe keeping and maintenance thereof shall be paid from the funds appropriated for such penitentiary or reformatory. For the purpose of obtaining information relative to the amount of labor furnished to the state by its convicts, a strict account thereof shall be kept and the state shall receive credit for the amount of such labor as fixed and determined by the state highway department, and the contractor or contractors using such labor.

Section 6859-7.

Apportionment and account of funds.

SECTION 7. The auditor of state shall apportion said funds as herein provided and shall keep an account thereof in a book or books to be provided for that purpose and the same shall only be disbursed by the treasurer of state upon the warrant of the auditor of state issued upon the requisition of the state highway commissioner from an appropriation made to carry out the provisions of this chapter.

Section 6859-8.

Levy shall not be restricted or decreased.

SECTION 8. The annual levy of one-half of one mill provided for by this act, shall be in addition to all other levies made for any purpose or purposes, and the same shall not be construed as limited, restricted or decreased in amount, or otherwise, by any existing law or laws.

SECTION 9. This act shall take effect and be in full force from and after the earliest period allowed by law.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 15th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 15th, 1913. 73 G.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 665.]

AN ACT

To make an appropriation for the per diem, transportation, subsistence, purchase of medical and other stores and emergency expenditures incurred for the relief flood sufferers by the Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for O. N. G. in relief of flood sufferers.

SECTION 1. That there be and is hereby appropriated the sum of three hundred thousand dollars ($300,000) from any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay the per diem, transportation, subsistence, purchase of medical and other stores and emergency expenditures incurred for the relief of flood sufferers throughout Ohio by the Ohio national guard during the months of March and April in the year nineteen hundred and thirteen.

Disbursement.

SECTION 2. Said sum, upon the approval of the governor, shall be disbursed upon the order of the adjutant general of Ohio, by warrant drawn by the auditor of state.

Emergency act.

SECTION 3. This act is hereby declared to be an emergency measure, the emergency therefor being that the men of the Ohio national guard have been called away from their regular vocations and are in need of money for the support of their homes and families and the passage of this act is necessary to preserve the credit and welfare of members of the Ohio national guard, and therefore, this act shall take effect immediately.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved April 18th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 74 L.

[House Bill No. 176.]

AN ACT

To provide for the appointment of trustees, and for the management of the Ohio soldiers' and sailors' orphans' home, at Xenia, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 1931-1.

Providing board of trustees for O. S. and S. O. Home.

SECTION 1. There shall be a board known as the Board of Trustees of the Ohio Soldiers' and Sailors' Orphans' Home, who shall have charge and custody of the Ohio Sol-

diers' and Sailors' Orphans' Home at Xenia, Ohio, which said board shall consist of five members. The governor, with the advice and consent of the senate shall appoint the members of such board upon the passage of this act; one for five years, one for four years, one for three years, one for two years and one for one year, and thereafter each year the governor, with the advice and consent of the senate, shall appoint, for the Ohio Soldiers' and Sailors' Orphans' Home at Xenia, Ohio, one trustee, who shall serve for a term of five years from the ensuing first Monday in April.

Appointment; term.

Vacancy, how filled.

A vacancy in the office of trustee occasioned by expiration of term, removal or otherwise shall be filled in the same manner as the original appointment, and shall be for the remainder of the term. At any time the governor may remove any trustee with the advice and consent of the senate.

Suspension of trustee.

During the recess of the senate he may suspend any trustee but shall report his action to the senate at its next session, and, if the senate so advise and consent, such trustee shall be removed, but otherwise he shall be restored to his office. The governor shall designate a person to perform the duties of the suspended trustee during such suspension. The nomination by the governor and confirmation by the senate of a person to take the place of a trustee in office, shall be a removal of such trustee.

Powers and duties of board.

Such board shall govern, conduct and care for such home, the property thereof and the inmates therein as provided in the laws governing "The Ohio Board of Administration" so far as the provisions thereof are not inapplicable and are not inconsistent with the provisions of the laws governing such home.

Three members of such board shall constitute a quorum but any two may approve accounts for the payment of current expenses, salaries and open contracts previously entered into by the board.

Said board shall in all cases purchase all supplies for such home from "The Ohio Board of Administration" unless such board of trustees shall receive a lower bid from other persons for the same or better grade of supplies.

Emergency act.

SECTION 2. There is hereby declared to be an emergency by reason of the fact that there is now no legally constituted board in charge and control of such home, and this act is necessary for the immediate preservation of the public peace and safety; and therefore it is declared to be an emergency act.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913.

75 G.

The sectional number on the margin hereof is designated as provided by law.

TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 302.]

AN ACT

To amend section 12603 of the General Code, relative to operating motor vehicles unreasonably or improperly, to include motorcycles.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12603 of the General Code be amended to read as follows:

Sec. 12603. Whoever operates a motor vehicle or motorcycle on the public roads or highways at a speed greater than is reasonable or proper, having regard for width, traffic, use and the general and usual rules of such road or highway, or so as to endanger the property, life or limb of any person, shall be fined not more than twenty-five dollars, and for a second offense shall be fined not less than twenty-five dollars nor more than fifty dollars.

Operating motor vehicle unreasonably and improperly.

Penalty.

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conformity to
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IMOTHY S.
HOGAN,
ttorney
General.

SECTION 2. That said original section 12603 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate

Passed March 20th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 76 G.

[House Bill No. 230.]

AN ACT

To regulate the manufacture and sale of insecticides and fungicides in Ohio.

Be it enacted by the General Assembly of the State of Ohio:

ection 1177-29. SECTION 1. Each person, firm or corporation who manufactures, sells or offers for sale, in this state, arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral or vegetable oils, Bordeaux mixture or any insecticide or fungicide or essential ingredient thereof used for the control of insects or fungus diseases within the state, shall affix to each package in a conspicuous place on the outside thereof, a plainly printed or written certificate which shall state, in the case of solids, the number of net pounds, or in the case of paste arsenate of lead the number of net pounds on a fifty percentum water basis, or in the case of liquids, the number of gallons contained therein, the name, brand or trade mark under which it is sold, or offered for sale, the name of the manufacturer and the place

Certificate of contents on outside of package of insecticides.

of manufacturing same. The certificate shall state also the percentages and chemical compositions of all essential substances or ingredients of said insecticides and fungicides or combinations of the same contained in said commodities, and in the case of lime-sulphur solutions the certificate on each package shall state the degree Baume and the percentum of sulphur. The certificate on each package shall be considered as constituting a guarantee to the purchaser of the contents therein.

Certificate a guarantee to purchaser.

Section 1177-30. SECTION 2. Before selling or offering for sale arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral or vegetable oils, Bordeaux mixture or any insecticide or fungicide or essential ingredient thereof used for the control of insects or fungus diseases within the state, each person, firm or corporation shall file with the state board of agriculture certified copies of the certificate required in the preceding section.

Certified copies filed with state board of agriculture.

Section 1177-31. SECTION 3. The term insecticide as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects which may infest vegetation, man or animals, or households, or be present in any environment whatever. The term fungicide as used in this act shall include any substance or mixture or substances intended to be used for preventing, destroying, repelling or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

Insecticide and fungicide defined.

Section 1177-32. SECTION 4. It shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale in the state any arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral or vegetable oils, Bordeaux mixture, or any insecticide or fungicide or essential ingredient thereof used for the control of insects and fungus diseases within the state, which is adulterated or misbranded within the meaning of this act.

Sale of adulterated or misbranded insecticide, unlawful.

Section 1177-33. SECTION 5. For the purpose of this act an article shall be deemed to be adulterated—

When article deemed to be adulterated.

In the case of paste arsenate of lead: First, if it contains more than fifty percentum of water; second, if it contains total arsenic equivalent to less than twelve and one-half percentum of arsenic oxid; third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one hundredths percentum of arsenic and arsenious oxids; fourth, if any substances have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength: Provided, however, that extra water may be added to arsenate of lead (as described in this paragraph) if the resulting mixture is labeled arsenate of lead and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of powdered arsenate of lead: First, if it contains total arsenic equivalent to less than twenty-five percentum of arsenic oxide; second, if it contains arsenic

in water-soluble forms equivalent to more than one and one-half percentum of arsenic and arsenious oxids; third, if any substances have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength.

In the case of Paris green: First, if it does not contain at least fifty percentum of arsenious oxid; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half percentum of arsenious oxid; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used.

Section 1177-34. SECTION 6. The term misbranded as used herein shall apply to arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral or vegetable oils, Bordeaux mixture or any other insecticide or fungicide or essential ingredient thereof used for the control of insects or fungus diseases or any other purpose within the state, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular or which package shall be falsely branded as to the state, territory or country in which it is manufactured or produced.

When article deemed to be misbranded.

For the purpose of this act an article shall be deemed to be misbranded: In the case of insecticides, arsenate of lead, Paris green and fungicides; First, if it be an imitation, or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

In the case of insecticides (other than Paris green and arsenate of lead) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as percentum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as percentum of metallic arsenic)

if not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label: Provided, however, that in lieu of naming and stating the percentage amount of each and every inert ingredient, the producer, may, at his discretion, state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticides or fungicides having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

Section 1177-35.

Dealers prohibited from altering or changing materials as received.

SECTION 7. It shall be unlawful for any dealer, agent, distributor or other person, who sells or disposes of any arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral or vegetable oils, Bordeaux mixture or any insecticide or fungicide or essential ingredient thereof used for the control of insects or fungus diseases within the state to adulterate, dilute, alter or change these materials in any way from the form as received in the original package.

Section 1177-36.

License fee for manufacturers.

SECTION 8. Before selling arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral or vegetable oils, Bordeaux mixture or any insecticide or fungicide or essential ingredient thereof used for the control of insects or fungus diseases within the state, each person, firm or corporation who manufactures any of the aforementioned commodities shall each year pay to the state board of agriculture a license fee of twenty dollars with each certificate filed. Upon application and payment of such fee said board shall issue a license for the current year. All licenses shall expire on the 31st day of December each year. The payment of such license fee by a person, firm or corporation shall exempt an agent thereof from the requirements of this section.

Expiration of licenses.

Section 1177 37.

Analysis of ingredients each year by state board of agriculture.

SECTION 9. Each year the state board of agriculture shall cause to have taken samples of the different brands of arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral and vegetable oils, Bordeaux mixture or any insecticide or fungicide or essential ingredient thereof used for control of insects or fungus diseases within the state and the same shall be analyzed under the direction of the secretary of said board. The expenses incurred thereof shall be paid by him from a fund arising from the payment of license fees required in the preceding section.

Section 1177-38.

How samples may be obtained for analyses.

SECTION 10. For the purpose of analyses and comparison with the certificate deposited with it, and with the certificate on such package, the state board of agriculture, or a person appointed by it, may purchase in the open market of the state, any unbroken original package of any

insecticide or fungicide, and may take samples from bulk goods of these materials in the possession of a dealer, consumer or transportation company within the state. Not less than one pound and not exceeding two pounds of solids, and not less than one pint or more than two quarts of liquids shall be taken from bulk goods.

Section 1177-39. SECTION 11. The state board of agriculture and such assistants, agents, experts and chemists, as it may duly authorize for the purpose, shall have the power to enter any car, warehouse, building, or any premises in the state where arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral and vegetable oils, Bordeaux mixture or any insecticide or fungicide or essential ingredient thereof, are kept and open any package or vessel containing or supposed to contain said commodities and take therefrom samples for analysis upon tendering the value of said samples.

Authority to enter, open and take samples.

Section 1177-40. SECTION 12. Whoever sells, within this state, any arsenate of lead, Paris green, lime-sulphides, miscible combinations of mineral and vegetable oils, Bordeaux mixture or any insecticide or fungicide or essential ingredient thereof used for the control of insects or fungus diseases within the state without complying with the provisions of this chapter, or permits an analysis to be attached to any package thereof stating that it contains a larger percentage of any constituent thereof than it does in fact contain shall be fined not less than fifty dollars nor more than two hundred dollars for the first offense and for any subsequent offense not less than two hundred dollars nor more than five hundred dollars.

Penalty for selling in violation of act.

In all prosecutions under this act, a justice of the peace, police judge or mayor shall have final jurisdiction as in cases of violation of laws relating to the adulterations of food and drink and dairy products.

Jurisdiction.

Section 1177-41. SECTION 13. The attorney general or any prosecuting attorney shall prosecute all violations of this chapter.

Who shall prosecute.

Section 1177-42. SECTION 14. The state board of agriculture shall make an annual report of and may publish from time to time, analyses made of samples taken as provided in section 6, and the analyses guaranteed by the manufacturers. Such report shall contain a statement of monies received and expended from license fees collected for the sale of insecticides and fungicides. Any unexpended balance shall be credited to the agricultural fund.

Report and publication of analyses and account of moneys.

The sectional numbers as changed on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 26th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 77 G.

[House Bill No. 341.]

AN ACT

To amend section 4710 of the General Code, relative to election in newly created village.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4710 of the General Code be amended to read as follows:

Election in newly created village.

Sec. 4710. In villages hereafter created, a board of education shall be elected as provided in the preceding section. When villages hereafter created, or which have been heretofore created, fail or have failed to elect a board of education as provided in the preceding section, the commissioners of the county to which said district belongs, shall appoint such board, and the members so appointed shall serve until their successors are elected and qualified. The sucessors of the members so appointed, shall be elected at the first election for members of the board of education held in such district after such appointment; two members to serve for two years and three members for four years, and thereafter their successors shall be elected in the manner and for the term as provided by section 4709 of the General Code. The board so appointed by the county commissioners shall organize on the second Monday after their appointment. If the members of such board are elected at a special election held in such district the members so elected shall serve for the term indicated in the preceding section, from the first Monday in January after the preceding election for members of the board of education and the board shall organize on the second Monday after such election.

Appointment of board of education on failure to elect.

Organization of board.

SECTION 2. That original section 4710 of the General Code be, and the same is hereby repealed.

SECTION 3. This act is hereby declared to be an emergency act and that its enactment is necessary for the immediate preservation of the public safety and welfare. The necessity therefor lies in the fact that in villages heretofore created no provision having been made for an election of a school board, other than at the first election held in such village districts, there is no means of maintaining the schools of the village in that there is no way whereby a levy can be made for the purpose of raising taxes to support and maintain the schools in such village school districts.

Emergency act.

The sectional number herein is in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 27th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913.

78 G.

[House Bill No. 88.]

To protect certain game.

AN ACT

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1412 of the General Code be amended to read as follows:

Section 1412.

Sec. 1412. No person within this state shall catch, kill, injure or pursue with such intent a Virginia partridge or quail or Carolina dove, before the fifteenth day of November, 1915, or after that date, except from the fifteenth day of November to the fourth day of December, both inclusive; a woodcock except from the first day of September to the fourth day of December, both inclusive; a rail, shore bird, plover, snipe, wild duck, wild goose, wild swan, coot or mud hen, except from the first day of September to the first day of December, both inclusive, and from the first day of March to the twentieth day of April, both inclusive, or ruffed grouse, Mongolian pheasant, English pheasant, ring-neck pheasant, or other pheasant, before the fifteenth day of November, 1915, or after that date, except from the fifteenth day of November to the fourth day of December, both inclusive; but no person shall catch, kill, injure or pursue, a wild duck or water fowl on Sunday or Monday of any week, or catch, kill or injure or pursue, or shoot, such water fowl before sunrise or after sunset of any day during the time fixed herein when it shall be lawful to kill them. The birds named in this section shall be known and classed as game birds in contradistinction to all other birds.

Open season for certain game birds.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 1412 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 20th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 79 G.

[House Bill No. 166.]

AN ACT

To amend section 3664 of the General Code, relative to the enumerated powers of municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3664 of the General Code be amended to read as follows:

Section 3664.

Punishment for disturbance of public peace.

Sec. 3664. To provide for the punishment of persons disturbing the good order and quiet of the corporation by clamors and noise in the night season, by intoxication, drunkenness, fighting, committing assault, assault and battery, using obscene or profane language in the streets and other public places to the annoyance of the citizens, or otherwise violating the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior. In like manner to provide for the punishment of any vagrant, common street beggar, common prostitute, habitual disturber of the peace, known pickpocket, gambler, burglar, thief, watch stuffer, ball game player, a person who practices any trick, game or device with intent to swindle, a person who abuses his family, and any suspicious person who cannot give a reasonable account of himself.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 3664 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 27th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 80 G.

[House Bill No. 70.]

AN ACT

To amend section 904 of the General Code, permitting the chief inspector of mines to have his office at the seat of government.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 904 of the General Code be amended to read as follows:

Location of office.

Sec. 904. The chief inspector of mines shall have an office at the seat of government, in which he shall keep the maps and plans of all mines in the state, and all records, correspondence, papers, apparatus, and other property be-

longing to the state, pertaining to his office, in accessible and convenient form for reference by persons entitled to examine them, all of which he shall deliver to his successor in office. The persons entitled to examine maps, plans, records and papers of a mine, shall be the owner, lessee or agent of such mine; the persons financially interested in such mine; the owner, or owners, of land adjoining such mine; the owner, or owners, of land adjacent to such mine; the owner, lessee or agent of a mine adjacent to such mine; and the authorized representatives of the employes of such mine. The chief inspector of mines shall not permit such maps, plans, records and papers to be removed from his office, and shall not furnish copies thereof to any persons, except by request of the owner, lessee or agent of the mine to which such maps, plans, records and papers pertain. Each district inspector shall keep his office in such place in his district as is central and convenient.

Who may examine maps, records, etc.

District offices.

The sectional number on the margin hereof is in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 904 of the General Code be and the same is repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 81 G.

[House Bill No. 303.]

AN ACT

To provide for the examination of stallions and jacks.

Be it enacted by the General Assembly of the State of Ohio:

Examination of stallions and jacks.

Section 1177-21. SECTION 1. That every stallion or jack, used as a public breeding sire in this state, shall, within one year from the date of the passage of this act, be examined as to transmissible defects and dangerous infectious diseases, said examination to be made by the state board of live stock commissioners or by some licensed veterinarian deputized by this board for this purpose.

Section 1177-22. SECTION 2. The owner of each stallion or jack, upon request made by the state board of live stock commissioners, shall present all stallions or jacks, used as public breeding sires, at any point within a radius of ten miles of such place

Owner shall present sires for examination within radius of ten miles.

as such stallions or jacks may be owned or kept in their charge, for examination as required in the preceding section.

Section 1177-23.

Certificate of inspection.

Posting of fac-simile of certificate.

SECTION 3. Upon the examination of such stallions or jacks, the state board of live stock commissioners shall grant to the owners or keepers thereof a certificate of inspection setting forth the transmissible defects, description, age, breeding—whether pure bred or grade—stallion or jack. A fac-simile of such certificate shall be posted in full view at all places of service of such stallion or jack, and shall be included in all advertisements pertaining to such service, which advertisement shall also contain a true statement by the owner or keeper of such animal as to the breeding thereof, whether pure bred or grade.

Section 1177-24.

Fee.

Expiration and renewal of certificate.

SECTION 4. The state board of live stock commissioners shall charge for such certificate of inspection the sum of two dollars per head to be paid by the owner or keeper to the state board of live stock commissioners at the time of examination. Such certificate shall expire December 31st, of each year. Such certificate shall be renewed by the state board of live stock commissioners upon the receipt of a certified statement, accompanied by fifty cents, setting forth any and all changes of transmissible defects in the stallion or jack for which the original certificate was granted. Such certified statement shall bear the sworn statement and signature of any legally deputized licensed veterinarian.

Section 1177-25.

Failure to comply with law forfeits right of owner to collect charge for service.

Penalty.

Prosecuting attorney or attorney general shall prosecute.

SECTION 5. All owners or keepers of stallions or jacks used as public breeding sires, who fail to comply with the provisions of this act, shall forfeit the right to collect all fees charged for the service of such stallions or jacks, as provided for in sections 8355, 8356 and 8357 of the General Code, and shall be fined not less than ten dollars and not more than one hundred dollars. It shall be the duty of the prosecuting attorney in the county where stallions or jacks are owned or kept, or the attorney general, to prosecute all violations of this act when requested to do so by the state board of live stock commissioners.

Section 1177-26.

Schedule of charges for examinations upon request of owner.

SECTION 6. The privileges of inspection and granting of certificates as provided in this act, may be granted for any domestic animal other than stallion or jack used as a public breeding sire upon the request of the owner, and payment of the actual necessary expenses of travel and subsistence of the representative of the state board of live stock commissioners, and five dollars per day for such inspection. This schedule of charge to apply to this section only, and to cover the expense of examination or inspection of as many animals as may be inspected or examined in one day.

Section 1177-27.

Application of moneys.

SECTION 7. All moneys received from examinations and issuing of certificates shall be paid into the state treasury and credited to the general revenue fund.

Section 1177-28.

The sectional numbers as changed on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 8. The board of live stock commissioners is hereby authorized to make such rules and regulations as may be necessary for the enforcement of this act. Rules and regulations.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 82 G.

[House Bill No. 498.]

AN ACT

Ceding certain land in Ottawa county, Ohio, known as the site of the Perry's Victory Memorial, to the United States of America, and authorizing the governor of the state of Ohio to convey said land to the the United States of America.

WHEREAS, Under and by virtue of an act passed by the general assembly of Ohio on May 2, 1911, found in 102 O. L., 103, certain real estate situated on South Bass island, Ottawa county, Ohio, was by the Perry's centennial commission of Ohio selected as a suitable site upon which to erect a Perry's victory memorial; and

WHEREAS, The title to the land composing the said site has now been acquired by the state of Ohio by proper proceedings in the probate court of Ottawa county, Ohio; and

WHEREAS, It is the object of the Perry's victory centennial celebration to fittingly commemorate, under national and state auspices, the one hundredth anniversary of the battle of Lake Erie and of General William Henry Harrison's northwestern campaign of the war of 1812, in connection with a suitable recognition of the century of peace ensuing between Great Britain and the United States since the termination of that conflict by the signing of the treaty of Ghent, December 24th, 1814; and

WHEREAS, The states of Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Kentucky, Minnesota and Louisiana, and the United States government, have by the appointment of commissioners, or the making of appropriations, or both, accepted the invitation of the state of Ohio to co-operate in the celebration of this centennial and in the erection of the said Perry's victory memorial now in process of construction upon the said site so selected; and

WHEREAS, The United States of America has appropriated a large sum to aid in the erection of a permanent memorial on the said site, and a design has been accepted and a contract let for the erection of the same; and

WHEREAS, The said memorial will be national in its character, and it will be appropriate that the same and the site procured therefor shall be vested in the government of the United States; and

WHEREAS, The memorial and centennial celebration, while properly of the greatest significance to the state of Ohio, are still to be in a larger sense national in meaning and usefulness; therefore

Be it enacted by the General Assembly of the State of Ohio:

Authority to convey certain real estate in Ottawa county to the United States of America.

SECTION 1. That the governor of the state of Ohio is hereby authorized and empowered on behalf of the state of Ohio to convey to the United States of America the following described real estate, procured as aforesaid as a site for the said memorial, situate on South Bass island in Ottawa county, Ohio, to-wit: Situated in Put-in-Bay township, county of Ottawa and state of Ohio, and known as a part of lots Nos. 1 and 2, range south of county road, and a part of lot No. 12, East Point, on South Bass island in said township, county and state, and more particularly described as follows: Commencing at the intersection of the middle lines of Delaware avenue and Chapman avenue in the village of Put-in-Bay and running thence south 88 degrees 59 minutes east in the middle line of said Delaware avenue, and the same extended, 495 feet to Lake Erie; thence north 49 degrees 59 minutes east along said lake shore 346 feet; thence north 43 degrees 14 minutes east along said lake shore 212 feet; thence north 53 degrees 13 minutes east 400 feet along said lake shore; thence north 46 degrees 06 minutes west about 730 feet to Lake Erie; thence southwesterly and westerly along said lake shore to the middle line, extended, of said Chapman avenue; thence south 1 degree 30 minutes west along said middle line, and the same extended, about 520 feet to the place of beginning, and containing fourteen and twenty-five one-hundredths acres of land.

Description.

Authority to execute civil and criminal processes on ceded territory retained.

SECTION 2. The jurisdiction of the land so conveyed, and the appurtenances, thereto, be and is hereby ceded to the United States of America, provided, however, that all civil and criminal processes issued under authority of this state, or any officer thereof, may be executed on said land and in any building or buildings that may be erected thereon in the same manner as if jurisdiction had not been ceded as aforesaid.

Exemption from taxation.

SECTION 3. The land above described, with the appurtenances and all buildings to be erected and other property that may be thereon, shall hereafter be exempted from all state, county and municipal taxation and assessments

This act is special and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

whatever, so long as the same shall remain the property of the United States of America.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 83 G.

[House Bill No. 156.]

AN ACT

To amend section 10531 of the General Code, relating to the probate and contest of wills.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10531 of the General Code be amended to read as follows:

Contest of will to be made within one year; exceptions.

Sec. 10531. If, within one year after probate had, no person interested appears and contests the validity of the will, the probate shall be forever binding, saving, however, to infants, and persons of unsound mind, or in captivity, the like period after the respective disabilities are removed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original section 10531 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 27th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 84 G.

[House Bill No. 242.]

AN ACT

To amend section 2971 of the General Code, relating to boards of county visitors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2971 of the General Code be amended to read as follows:

Section 2971. Sec. 2971. In each county there shall be a board of visitors consisting of six persons, not more than three of whom shall have the same political affiliations, for the inspection of all charitable and correctional institutions supported in whole or in part from county or municipal funds. Three of such appointees shall be women. Within thirty days prior to the first day of May of each year the judge of the probate court shall appoint two persons for a term of three years beginning upon the first day of May. All vacancies in the board shall be filled in the manner provided by the original appointment for the unexpired term only.

Board of county visitors.

Vacancies.

SECTION 2. That said original section 2971 be and the same is hereby repealed.

Section 2971-1. SECTION 3. Within thirty days after the act goes into effect, the judge of the probate court of each county shall make such appointments or reappointments as will cause the terms of two persons to expire on the first day of May of the years 1914, 1915 and 1916.

Appointments.

The sectional numbers on the margin hereof are designated as provided by law.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed March 20th, 1913.
Approved April 16th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 18th, 1913. 85 G.

[Senate Bill No. 206.]

AN ACT

To amend section 9351 of the General Code, relating to the reinsurance of risks by a life insurance company.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9351 of the General Code be amended to read as follows:

Sec. 9351. No company organized under the laws of this state to do the business of life, accident or health insurance, either on stock, mutual, stipulated premium or assessment plan, shall consolidate with any other company, or reinsure its risks, or any part thereof with any other company, or assume or reinsure the whole of or any portion of the risks of any other company, except as hereinafter provided. Nothing herein contained shall prevent any such company from reinsuring a fractional part of any individual risk, not exceeding four-fifths thereof, in a company duly authorized to transact business in this state, or, with the permission of the superintendent of insurance, the whole of such risk; but no company, except as herein-

Consolidation and reinsurance.

after provided, shall reinsure any part of any of its risks when the aggregate amount of its risks reinsured shall equal fifty per cent. of its total insurance in force.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 9351 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 12th, 1913.
Approved April 22nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 86 G.

[House Bill No. 214.]

AN ACT

To supplement section 1841 by the enactment of supplemental sections 1841-1, 1841-2, 1841-3, 1841-4, 1841-5, 1841-6, 1841-7 and relating to "The Ohio Board of Administration."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1841 of the General Code be supplemented by the addition of the following supplemental sections to be known as 1841-1, 1841-2, 1841-3, 1841-4, 1841-5, 1841-6, 1841-7.

What minors considered wards of the state.

Sec. 1841-1. All minors who in the judgment of the juvenile court, require state institutional care and guardianship shall be wards of the state, and shall be committed to the care and custody of "The Ohio board of administration," which board thereupon becomes vested with the sole and exclusive guardianship of such minors.

Guardianship of.

"Bureau of juvenile research."

Sec. 1841-2. The "The Ohio board of administration" shall provide and maintain a "bureau of juvenile research," and shall employ competent persons to have charge of such bureau and to conduct investigations.

Board may assign children to bureau for examination and treatment.

Sec. 1841-3. The "The Ohio board of administration" may assign the children committed to its guardianship to the "bureau of juvenile research" for the purpose of mental, physical and other examination, inquiry or treatment for such period of time as such board may deem necessary. Such board may cause any minor in its custody to be removed thereto for observation and a complete report of every such observation shall be made in writing and shall include a record of observation, treatment, medical history, and a recommendation for future treatment, custody and maintenance. The "The Ohio board of administration" or its duly authorized representatives shall then assign the child to a suitable state institution or place it in a family under such rules and regulations as may be adopted.

Report.

Assignment of child.

Power of board to transfer minor from one institution to another.

Sec. 1841-4. Any minor having been committed to any state institution may be transferred by such "The Ohio board of administration" to any other state institution, whenever it shall appear that such minor by reason of its delinquency, neglect, insanity, dependency, epilepsy, feeble-mindedness, or crippled condition or deformity, ought to be in another institution. Such board before making transfer shall make a minute of the order for such transfer and the reason therefor upon its record, and shall send a certified copy at least seven days prior to such transfer, to the person shown by its records to have had the care or custody of such minor immediately prior to its commitment; provided, that, except as otherwise provided by law, no person shall be transferred from a benevolent to a penal institution.

Record and reasons therefor.

Board may receive minor for observation.

Sec. 1841-5. The "The Ohio board of administration" may receive any minor for observation from any public institution other than a state institution, or from any private charitable institution or person having legal custody thereof, upon such terms as such board may deem proper.

Expenses, fees and costs.

Sec. 1841-6. Each county shall bear all the expenses incident to the transportation of each child from such county to such "bureau of juvenile research," together with such fees and costs as are allowed by law in similar cases, which fees, costs and expenses shall be paid from the county treasury upon itemized vouchers certified to by the judge of the juvenile court.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Sec. 1841-7. The provisions of this act shall become valid on and after the first day of July, 1914.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 22nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 87 G.

[House Bill No. 226.]

AN ACT

To amend sections 614-80, 796, 2268, 2269, 2276, and 2280 of the General Code, relating to the publishing, and distribution of reports of state officers and boards.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 614-80, 796, 2268, 2269, 2276 and 2280 of the General Code be amended so as to read as follows:

Annual report to governor.

Sec. 614-80. The commission shall annually, as early as the fifteenth day of December, make and deliver to the governor, a full report of the operation and execution of all laws which it has been required to administer for the year ending November 15th, which shall be printed in book form for the use of the general assembly and the public. In addition thereto, it shall make such recommendations to the general assembly as it may from time to time deem proper.

Delivery of copies to librarian for exchange.

Sec. 796. The secretary of state shall deliver to the state librarian for exchange with other libraries such number of each annual report as the state librarian may request in writing. The state librarian, when he deems proper may through the secretary of state forward copies of the publications of the state to any university, college or public library within the state.

Copies of reports authorized printed of elective state officers.

Sec. 2268. The annual reports of the elective state officers shall be printed as follows:

Secretary of state, one thousand five hundred copies.

Auditor of state, including detailed statement of receipts and disbursements, six hundred copies.

Treasurer of state, one thousand copies.

Attorney general, four hundred copies.

Superintendent of public instruction, two thousand five hundred copies.

Executive documents, four hundred and fifty copies.

Commissioners of sinking fund, fifty copies.

Copies authorized printed of reports of appointive state officers and boards.

Sec. 2269. The annual reports of the appointive state officers and boards shall be printed as follows:

Adjutant general, eight hundred copies.

State board of agriculture, two thousand five hundred copies.

Superintendent of banks, seven hundred copies.

Commission for the blind, two thousand copies.

State board of dental examiners, two hundred and fifty copies.

State fire marshal, one thousand copies.

Commissioner of fish and game, two hundred copies.

State board of health, two thousand five hundred copies.

State highway commission, two thousand copies.

Superintendent of insurance, life insurance, six hundred copies; fire insurance, one thousand two hundred copies; fraternal insurance, two hundred copies; building and loan department, one thousand copies.

Commissioner of labor statistics, two thousand five hundred copies.

State board of library commissioners, three hundred copies.

Chief inspector of mines, three thousand copies.

State inspector of oils, three hundred copies.

Supervisor of public printing, four hundred copies.

Public service commission, seven hundred copies, each report to contain a railroad map of the state, in addition there shall be printed railroad maps on cloth paper to be mounted on rollers, for the commission two hundred and fifty copies; for general distribution by the secretary of state five hundred copies; for each member of the general assembly, one hundred copies; in pocket edition form, for the commission five hundred copies; for the secretary of state for general distribution two thousand copies; and for each member of the general assembly, two hundred copies.

Ohio state university, five thousand copies.

Chief inspector of workshops and factories, one thousand five hundred copies.

Tax commission of Ohio, five hundred copies.

Superintendent of public works, three hundred copies.

Distribution to members of the general assembly.

Sec. 2276. One bound copy of the executive documents and one bound copy of each of the journals and appendixes, and one bound copy of each of the reports of the secretary of state, auditor of state, superintendent of public instruction, superintendent of insurance, commissioner of labor statistics, state board of agriculture, tax commission, and public service commission, including one hundred maps of the state on rollers, and two hundred pocket maps of the state, shall be sent to each member of the general assembly.

Distribution of copies of laws, etc., to county auditors.

Sec. 2280. The secretary of state shall forward to the auditor of each county, the agricultural reports, reports of superintendent of public instruction and volumes of the laws in proportion to their representation in the house of representatives. He shall also forward two copies each of the executive documents, journals, appendixes, report of tax commission, secretary of state and auditor of state to the auditor of each county, one of each to be filed in his office and one in the office of county clerk. The treasurer of each county, on the order of the auditor thereof, must pay the charges for transportation of such publications.

The sectional numbers herein are in conformity to the General Code.

SECTION 2. That said original sections 614-80, 796 2268, 2269, 2276 and 2280 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 22nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 88 G.

TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 121.]

AN ACT

To require certain officers of municipal corporations, and other subdivisions of this state, to furnish transcripts of the proceedings relating to the issue of bonds.

Be it enacted by the General Assembly of the State of Ohio:

Section 2295-3. SECTION 1. That it shall be the duty of the clerk, or other officer having charge of the minutes of the council of any municipal corporation, board of county commissioners, board of education, township trustees, or other district or political subdivisions of this state, that now has or may hereafter have, the power to issue bonds, to furnish to the successful bidder for said bonds, a true transcript certified by him of all ordinances, resolutions, notices, and other proceedings had with reference to the issuance of said bonds, including a statement of the character of the meetings at which said proceedings were had, the number of members present, and such other information from the records as may be necessary to determine the regularity and validity of the issuance of said bonds; that it shall be the duty of the auditor or other officer, having charge of the accounts of said corporation or political subdivision, to attach thereto a true and correct statement certified by him of the indebtedness, and, of the amount of the tax duplicate thereof, and such other information as will show whether or not said bond issue is within any debt or tax limitation imposed by law.

Certified transcript of proceedings required to be furnished successful bidder for bonds by certain officers.

Attached statement of indebtedness by auditor.

Section 2295-4. SECTION 2. Any such clerk or officer, or any deputy or subordinate thereof, who shall knowingly make or certify a false transcript or statement in respect to any of the matters hereinabove set forth, shall be guilty of a misdemeanor and be fined not less than twenty-five ($25.00) dollars, nor more than five hundred ($500.00) dollars, or imprisoned not exceeding one year, or both.

Penalty for certifying false transcript or statement.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 89 G.

[House Bill No. 267.]

AN ACT

To provide for certain fees to be paid for corporations, associations and persons subject to inspection and examination by the superintendent of banks; also certain fees to be paid by foreign trust companies; and for the disposition to be made of such fees.

Be it enacted by the General Assembly of the State of Ohio:

Section 736. SECTION 1. That for the purpose of maintaining the department of the superintendent of banks and the payment of expenses incident thereto, and especially the expenses of inspection and examination, the following fees shall be paid to the superintendent of banks of Ohio:

Fees to be paid to superintendent of banks.

(a) Each company, firm, corporation, person, association and co-partnership which under the laws of Ohio is subject to inspection and examination by the superintendent of banks, shall pay to the superintendent of banks on or before the fifteenth day of November in each year the sum of thirty dollars, and in addition thereto one seventy-fifth of one per cent. of the total aggregate resources of such company, firm, corporation, person, association or co-partnership in excess of one hundred thousand dollars as shown by the report of the condition of each such company, firm, corporation, person, association or co-partnership made last before October fifteenth of such year; provided, however, that in no event is such total fee to exceed the sum of twelve hundred and fifty dollars in any one year.

(b) Each company, firm, corporation, person, association and co-partnership desiring and intending to transact business in this state, which will be subject to inspection and examination by the superintendent of banks, shall pay to the superintendent of banks for the preliminary examination required by law to be made by the superintendent of banks a fee of thirty dollars, such fee to be paid before a certificate is granted to such company, firm, corporation, person, association or co-partnership, authorizing it to commence business in this state.

(c) Each foreign trust company desiring and intending to do business in this state shall pay to the superintendent of banks a fee of fifty dollars for issuance to it of a certificate authorizing it to transact business in this state. Such fee to be paid before such certificate is issued.

Section 736-1. SECTION 2. Every company, firm, corporation, person, association or co-partnership which fails or neglects to pay the fee provided by paragraph "a" of section 1 of this act on or before the fifteenth day of November of each year shall be subject to a penalty of one hundred dollars for each day after said date that such fee remains unpaid. The superintendent of banks shall maintain an action against

Penalty.

the delinquent company, firm, corporation, person, association or co-partnership in the common pleas court of Franklin county, Ohio, or of the county in which the business of such company, firm, corporation, person, association or co-partnership is carried on, for the collection of such fee and the penalty herein imposed.

Section 736-2. SECTION 3. The superintendent of banks shall pay all money received by him under the provisions of this act into the state treasury to the credit of the general revenue fund of the state. Receipts credited to general revenue fund.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 9th, 1913.
Approved April 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 90 G.

[House Bill No. 168.]

AN ACT

To provide for the appointment of an inspector of building and loan associations, fixing the salary thereof and repealing sections 674, 675, 676 and 677 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 674. SECTION 1. The governor with the advice and consent of the senate, shall appoint an inspector of building and loan associations, who shall serve for a term of three years. No such inspector of building and loan associations shall have any official connection with a building and loan association, or be interested in the business thereof, except as a stockholder. Inspector of building and loan associations.

Section 675. SECTION 2. Before entering upon the discharge of the duties of his office the inspector of building and loan associations shall give a bond to the state in the sum of ten thousand dollars with two or more sureties or with a surety company authorized to do business in the state of Ohio, approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the governor and the oath of office endorsed thereon, shall be deposited with the secretary of state and kept in his office. Bond, oath and approval.

Section 676. SECTION 3. The inspector of building and loan associations shall see that the laws relating to building and loan associations are duly executed and enforced. When a violation of a law relating to building and loan associations is reported to him he shall take, or cause to be taken, the testimony, under oath, of any and all persons supposed to Duties of inspector.

have any knowledge of such violation, and cause such testimony to be reduced to writing. If he be of the opinion that there is sufficient evidence, he shall cause the person suspected of such violation to be arrested and charged with such offense, and shall furnish the attorney general or the proper prosecuting attorney with the information obtained by him, the names of the witnesses and a copy of all material testimony taken in the case.

Section 677. Deputies.

SECTION 4. With the approval of the governor, the inspector of the building and loan associations may employ from time to time, the necessary deputies, assistants, clerks and examiners, to assist him in the discharge of the duties imposed upon him by law. With such approval he may remove any such clerk or examiners at any time.

Section 677-1. Salary of inspector.

SECTION 5. The salary of the inspector of building and loan associations shall be three thousand six hundred dollars, per annum, and shall be paid at the same time as the heads of other state departments.

Section 677-2. Salary of deputies, assistants, etc.

SECTION 6. The inspector of building and loan associations shall fix the salaries of the deputies, assistants, clerks and examiners at such rates per annum as the governor shall approve. Upon vouchers approved by the inspector of building and loan associations, such salaries shall be paid by the treasurer of state, upon the warrant of the auditor of state.

Section 677-3. Expenses.

SECTION 7. The actual and necessary traveling expenses of the inspector of building and loan associations, and of the deputies, assistants, clerks and examiners, incurred in the discharge of their official duties shall be paid monthly by the treasurer of state, upon the warrant of the auditor of state. Vouchers therefor shall be fully itemized, approved by the inspector of building and loan associations, and countersigned by the auditor of state.

Section 677-4.

SECTION 8. All expenses incurred by the inspector of building and loan associations, in the performance of the duties imposed upon him by law, including the salary of such inspector, his deputies, assistants, clerks and examiners, shall be paid from funds appropriated therefor.

Section 677-5. Seal.

SECTION 9. The seal of the inspector of building and loan associations shall be one and three-fourths inches in diameter, shall have engraved thereon the coat of arms of the state, and shall be surrounded by the words, "Inspector of Building and Loan Associations of Ohio."

Section 677-6. All instruments sealed with the seal, received in evidence.

SECTION 10. Every certificate or other instrument executed, or order made, by the inspector of building and loan associations, in pursuance of any authority conferred upon him by law, and sealed with the seal of his office, or copies thereof duly authenticated under such seal, shall be received in evidence in all courts of this state.

Section 677-7. Place of office.

SECTION 11. The inspector of building and loan associations shall be furnished by the state with suitable rooms, at the seat of the government, for conducting the business of his office.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 12. That sections 674, 675, 676 and 677 of the General Code be, and the same are hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 91 G.

[House Bill No. 127.]

AN ACT

To prohibit the importation of diseased cattle into the state.

Be it enacted by the General Assembly of the State of Ohio:

Section 1177-55. SECTION 1. That the importation of all dairy cows and neat cattle for breeding purposes into the state of Ohio, is hereby prohibited, excepting when such cows and neat cattle are accompanied by a certificate from a duly qualified veterinarian, who is a graduate of a recognized veterinary college in the United States, Canada or Europe, and whose competency and reliability are certified to by the authorities charged with the control of the diseases of domestic animals in the state whence the cattle came, certifying that they are free from tuberculosis and other infectious disease of a malignant character and that they have been properly examined and subjected to the tuberculin test. Tuberculin test certificates must contain temperature records as required by the regulations of the United States bureau of animal industry or as may from time to time be prescribed by the state board of live stock commissioners, and all such inspections, examinations and tuberculin tests must be made within six weeks prior to the importation into this state.

Importation of diseased cattle prohibited.

Section 1177-56. SECTION 2. That in lieu of an inspection certificate as above required, the cattle may be detained at suitable stock yards nearest to the state line on the railroad over which they are shipped, and there examined at the expense of the owner by a veterinarian qualified as above, whose competency and reliability are certified to by the authorities charged with the control of the diseases of domestic animals in the state in which such stock yards are located, or cattle as above specified from points outside of the state may, under such restrictions as may be prescribed by the state board of live stock commissioners, be shipped in quarantine to their destination in Ohio, there to remain in quarantine until so examined at the expense of the owner, and released by the state board of live stock commissioners.

Examination at stockyards nearest state line.

Shipments in quarantine.

Section 1177-57. Duty of board of live stock commissioners.

SECTION 3. The state board of live stock commissioners is hereby charged with the enforcement of this act, and is authorized to see that its provisions are obeyed, to prescribe official forms to be used for certificates, tags for identification of animals, and to make, from time to time, such rules and regulations as may be necessary and proper for its enforcement. The rules and regulations of said state board of live stock commissioners, when so prescribed and adopted, shall be duly published, and notice given of the same according to law.

Section 1177-58. Penalty.

SECTION 4. The failure of any individual, company or corporation, to comply with the rules of the state board of live stock commissioners, or to respect its regulations with regard to diseased animals when so prescribed and adopted as aforesaid, shall subject the offender to a penalty of not less than fifty dollars nor more than five hundred dollars, to be recovered by civil action in the county in which such persons have their residence or principal place of business. A person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty dollars nor more than two hundred dollars; such fines and penalties to be collected in the name of the state of Ohio. All moneys recovered by civil action as provided for in this section, shall be paid into the state treasury and be accredited to the agricultural fund.

Section 1177-59. Prosecutions.

SECTION 5. It shall be the duty of the attorney general or any county prosecuting attorney to prosecute all violations of this act, when so requested by the state board of live stock commissioners.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers as changed on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed March 25th, 1913.
Approved April 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 92 G.

[House Bill No. 187.]

AN ACT

To require the reporting of certain occupational diseases.

Be it enacted by the General Assembly of the State of Ohio:

Section 1243-1. Report of occupational diseases by physicians.

SECTION 1. Every physician in this state attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, mercury or their compounds, or from anthrax,

or from compressed air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall within forty-eight hours from the time of first attending such patient send to the state board of health a report stating: When and to whom to be made.

(a) Name, address and occupation of patient.
(b) Name, address and business of employer.
(c) Nature of disease.
(d) Such other information as may be reasonably required by the state board of health.

The reports herein required shall be made on, or in conformity with, the standard schedule blanks hereinafter provided for. The mailing of the report, within the time required, in a stamped envelope addressed to the office of the state board of health, shall be a compliance with this section.

Section 1243-2. SECTION 2. The state board of health shall prepare and furnish, free of cost, to the physicians included in the preceding section, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the state board of health. Blanks for report.

Section 1243-3. SECTION 3. Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported. Such reports not evidence.

Section 1243-4. SECTION 4. It shall furthermore be the duty of the state board of health to transmit a copy of all such reports of occupational disease to the proper official having charge of factory inspection. Copy of report to be transmitted to proper official.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved April 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 93 G.

[House Bill No. 84.]

AN ACT

For the maintenance of county and joint county ditches.

Be it enacted by the General Assembly of the State of Ohio:

Section 6726-1. SECTION 1. That in addition to the other provisions of law, providing for the cleaning out, keeping in repair and maintaining county and joint county ditches, it is hereby provided as follows:

The county commissioners of any county in this state within which there is a county or joint county ditch constructed and in operation, may of their own motion, or on

the written petition of ten property owners of said county whose lands were assessed for the original construction or when enlargements have or will be made the last enlargement of said ditch, shall, at their first regular meeting in the month of January of each year, or as soon thereafter as possible, appoint a competent superintendent, who shall have charge of said ditch as hereinafter provided, within said county for the term of one year and until his successor is appointed and qualified, and shall fix his compensation. Before entering upon the discharge of his duties as provided for herein, said superintendent shall take an oath of office, and shall execute a bond for the faithful discharge of his duties in such sum and with such surety as said county commissioners shall approve.

Appointment of ditch superintendent.

Oath and bond.

Section 6726-2. SECTION 2. Said superintendent shall under the direction of said county commissioners have exclusive control of said ditch free from any control or interference by ditch supervisors and shall from time to time employ the necessary teams and labor and procure the necessary materials to keep said ditch within said county at all times free from brush, weeds and all other manner of obstructions, and shall remove therefrom all the caving in of banks, and of any filling in of same above its originally or latest enlarged constructed depth, the purpose being to keep said ditch in efficiency for the passage of water as nearly as possible equal to its original or if enlarged to its last enlarged capacity, but in no one month shall said superintendent expend over $50.00 without authority from said county commissioners first obtained. Said superintendent shall possess all necessary police authority by virtue of his office to arrest and prosecute according to law any person or persons known to have wilfully placed any obstruction to the flow of water in said ditch.

Powers and duties.

Section 6726-3. SECTION 3. Said superintendent shall make a detailed monthly report, duly verified, to said county commissioners of all work and labor performed on said ditch and of all materials procured during the preceding month, and by whom said work was done, and the time engaged in its performance and the rates of pay for same, and of all materials purchased and from whom purchased, and on the approval of said report by said county commissioners, including the items therein for work and labor and teams and materials as aforesaid, said report shall be filed and preserved in the office of the county auditor, and said county auditor shall issue his warrant to the county treasurer for the amounts thus allowed by said county commissioners in favor of said ditch superintendent payable out of the general expense or county ditch fund of the county, as directed by the county commissioners, for which he shall stand charged and receipts for the payment of said money when paid by said ditch superintendent to the persons entitled to same shall be taken by him and filed in the office of said county auditor and for which he shall receive credit on the money by him drawn out.

Detailed monthly report.

Section 6726-4. SECTION 4. There shall be kept in the office of the county auditor a special duplicate on which shall be entered and preserved a description of the lands and lots assessed for the construction of said ditch within said county, together with the names of the owners of same, and the amounts originally or if enlarged last enlargement assessed against each tract or parcel of land and annually when said county auditor is making up his tax duplicate he shall apportion all money expended as aforesaid for the year up to August thirty-first on the lands and lots aforesaid benefited on the basis of the assessments, as made, shall without delay notify the county commissioners of same; they shall thereupon fix a time for hearing at their office of any complaints by aggrieved parties as to said assessments, not later than ten days from said date, and notice in writing of said hearing shall be given by said county auditor to all the parties assessed for said ditch, residing in the county, together with the amount of their respective assessments personally or by leaving same at their residence at least five days before said hearing, and like notice to all non-resident parties also shall be published in a newspaper of general circulation in said county at least five days before said day of hearing. At said time of hearing the report of said assessments as made by said county auditor, or as the same may be changed on the complaint of parties as aforesaid, shall be confirmed by said commissioners, and appeal may be had therefrom by any complaining party to the probate court of said county in the usual manner of appeals, if said appeal is filed in the office of said judge within three days thereafter and a bond with surety for same is given to said county to the approval of said probate judge conditioned that if the action of the commissioners is confirmed that appellant shall pay all costs of said appeal. Within five days after perfecting said appeal said probate judge, sitting as in equity, without a jury, shall hear said case, and his decision shall be final. Notice whereof shall be given by him to the county auditor and by which he shall be governed in making said assessments, but in future years unless the ditch is subsequently enlarged no notice of assessments shall be given, and said assessments shall be a lien on said lands and lots to be collected, the same as other taxes by the county treasurer, and as the same is collected shall be placed to the credit of the general expense or other fund of said county from which same was drawn by said treasurer.

Special duplicate kept by auditor.

Hearing of complaints on assessments.

Appeal may be had to probate court.

Decision final.

Assessments a lien.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 12th, 1913.
Approved April 22nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 94 G.

[House Bill No. 159.]

AN ACT

To amend sections 13031-1, 13031-2, 13031-3, 13031-4, 13031-5, 13031-6 of the General Code, and to further supplement section 13031 by the enactment of additional sections to be known as sections 13031-9, 13031-10, 13031-11 of the General Code, to define, prohibit and punish pandering and to provide for the competency of certain evidence at the trial thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 13031-1, 13031-2, 13031-3, 13031-4, 13031-5, 13031-6 of the General Code be amended to read as follows, and that section 13031 of the General Code be supplemented by the enactment of additional sections to be known as sections 13031-9, 13031-10, 13031-11.

Pandering defined.

Sec. 13031-1. Any person who either by threats, or intimidation or by force or violence, or by any deception, device or scheme takes, places, or causes to be taken or placed any female into a house of ill-fame for the purposes of prostitution, or any person who by force, violence, threats, intimidation or deception, or menace or duress takes or detains a female unlawfully with the intent to compel her to marry him or marry any other person or to be defiled; or any person who, being parent, guardian or having legal charge of the person of a female, consents to her taking or detention by any person for the purpose of prostitution, shall be guilty of pandering, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term of not less than two, nor more than twelve years and by a fine not more than five thousand dollars ($5,000.00).

Penalty.

Sec. 13031-2. Any person who shall place any female in the charge or custody of any person or persons for immoral purposes or in a house of prostitution with the intent that she shall lead a life of prostitution, or any person who shall compel any female to reside with him or with any other person for immoral purposes, or for the purpose of prostitution, or compel her to live a life of prostitution, is guilty of pandering, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one year nor more than ten years and by a fine not more than one thousand dollars.

Penalty.

Sec. 13031-3. Any person who shall receive any money or other valuable thing for, or on account of, procuring for, or placing in, a house of prostitution or elsewhere, any female for the purpose of causing her to cohabit with any male person or persons, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than three years nor more than ten years and fined not more than one thousand dollars.

Penalty.

Sec. 13031-4. Any person who places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution or procures her to lead a life of prostitution shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than three years nor more than ten years and fined not more than one thousand dollars. Penalty.

Sec. 13031-5. Any person or persons who detains or attempts to detain any female in a disorderly house or house of prostitution or keeps or detains the personal effects of any female in any such house, or fails upon demand to deliver to any female her personal effects situated in a disorderly house or house of prostitution, shall be guilty of a felony and on conviction thereof shall be imprisoned in the penitentiary not less than three years nor more than ten years and fined not more than one thousand dollars. Penalty.

Sec. 13031-6. Any person who shall knowingly transport or cause to be transported, or aids or assists in obtaining transportation for, by any means of conveyance, through or across this state, any female with the intent or purpose to induce, entice, or compel such female to become a prostitute, or to reside in a disorderly house for the purpose of prostitution, shall be guilty of a felony and upon conviction thereof be imprisoned in the penitentiary not less than three years nor more than ten years. Any persons who shall commit the crime in this section mentioned may be prosecuted, indicted, tried and convicted in any county into or through which he shall have so transported any female as aforesaid. "White slave" traffic; penalty for.

Sec. 13031-9. Any person who by force, fraud, intimidation or threats places, or leaves any female of previous chaste life and character in a house of prostitution or house of assignation, or to lead a life of prostitution, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than ten years and fined not more than one thousand dollars. Penalty.

Sec. 13031-10. Any court of competent jurisdiction may upon affidavit issue a search warrant for the purpose of securing documentary or other evidence of the violation of this act. Search warrant to secure evidence.

Sec. 13031-11. Evidence as to the general reputation of a house as a house of prostitution or assignation shall be competent evidence to prove that it is such a house. Competent evidence.

Sec. 13031-12. The adjudication by a court of competent jurisdiction of any section of this act or part thereof to be unconstitutional, shall not invalidate any other section or part thereof.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original sections 13031-1, 13031-2, 13031-3, 13031-4, 13031-5 and 13031-6 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 95 G.

[House Bill No. 57.]

AN ACT

To supplement Section 11540 of the General Code by the enactment of Section 11540-1, relating to the reading of depositions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11540 of the General Code be supplemented by the enactment of a supplemental section 11540-1 as follows:

May be read by administrator or executor in action for damages.

Sec. 11540-1. Depositions taken by the plaintiff in an action for damages for personal injuries may be read by the administrator or executor of the estate of the plaintiff in such action for personal injuries against the same defendant or defendants, in any action for damages or wrongfully caused death resulting from the same personal injuries, so far as such depositions may be relevant to the issues in the action for damages or wrongfully caused death.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 96 G.

[House Bill No. 204.]

AN ACT

To amend section 691 of the General Code, relative to the fees to be paid by building and loan associations to the inspector of building and loan associations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 691 of the General Code be amended to read as follows:

Sec. 691. Foreign building and loan associations shall pay to the inspector of building and loan associations the following fees: Fees to be paid to inspector.

For filing an application for admission to do business in this state five hundred dollars;

For each certificate of authority and annual renewal thereof, two hundred dollars.

Every building and loan association doing business in this state, whether foreign or domestic, shall pay to the inspector of building and loan associations, for filing each annual report, at the time said annual report is filed, the sum of twenty dollars, and in addition thereto, one one-hundredth of one per cent. of its assets, as shown in such report. All such fees collected shall be paid into the general revenue fund.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 691 of the General Code be, and the same is hereby, repealed.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 9th, 1913.
Approved April 23rd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 24th, 1913. 97 G.

[House Bill No. 35.]

AN ACT

To provide the least number of men that may be employed on switch-engines, or engines engaged in switching cars, and the penalty for the violation thereof.

Be it enacted by the General Assembly of the State of Ohio:

Section 12557-1. SECTION 1. It shall be unlawful for any common carrier owning or operating an engine or locomotive used to switch cars, to operate such engine or locomotive handling cars in any railroad yard or on any railroad track within the limits of this state unless, each and every such engine

or locomotive, while so handling or switching such cars, shall be manned with a full crew of competent employes, which crew shall consist of at least one engineer, one fireman, one conductor, and two helpers; and no such employe shall be detailed to more than one engine at the same time or be put to any other service unless his place be filled by another competent employe, or the engine laid up while short handed, except that in case of the sudden disability of a member of such crew through sickness, accident or death the employer shall have three hours at terminals and six hours at outlying points in which to replace such member, during which time such engine may be operated short handed.

Least number of men that may be employed in operating a switch engine.

Exception.

Section 12557-2. SECTION 2. That any common carrier upon conviction of the violation of this act shall be fined not less than one hundred dollars and not more than five thousand dollars in the discretion of the court.

Penalty.

Section 12557-3. SECTION 3. That any superintendent, assistant superintendent, trainmaster, yardmaster, or any other employe having authority over the movement of any engine or locomotive who shall authorize the violation of this act, or who shall knowingly permit the violation of this act, shall upon conviction be fined not to exceed three hundred dollars or imprisoned not to exceed eighteen months or both at the discretion of the court.

Penalty for person authorizing violation of this act.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 4. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 26th, 1913. 98 G.

[House Bill No. 145.]

AN ACT

To amend sections 8957, 8962, 8963, 8964 and 8965 of the General Code, relating to the inspection of safety appliances upon railroad locomotives and cars.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 8957, 8962, 8963, 8964 and 8965 of the General Code be amended to read as follows:

Inspector of automatic couplers and brakes, etc., on locomotives and cars.

Sec. 8957. An inspector of automatic couplers, air brakes, automatic power brakes, and other safety appliances prescribed by law, on railroad locomotives, tenders, cars and similar vehicles, shall be appointed by the public serv-

ice commission of Ohio. He shall hold office for two years, unless sooner removed for cause, and until his successor is appointed and qualified. When a vacancy occurs in the office such commission immediately shall fill it by appointment.

Duties of inspector.

Sec. 8962. Such inspector shall inspect the couplers, air brakes, automatic power brakes, hand brakes, ladders, running boards, sill-steps and hand-holds or grab-irons on all locomotives, tenders, cars and similar vehicles found on any railroad in Ohio, and make weekly reports of his inspections to the public service commission, reporting all locomotives, tenders, cars and similar vehicles, giving number thereof, points of billing and final destination, road on which they are found, and the road owning them, if known, which are found to have a defective appliance, describing the defect. On discovering such defective appliance he shall also immediately report it to the superintendent of the road on which it is found, and to the agent thereof at the nearest station, describing the defect. If such defective appliance be found on any locomotive, tender, car or similar vehicle which is then being used in interstate commerce, he shall under oath lodge with the United States district attorney of the district wherein such violation shall have been committed, all information of such violation and mail a like report to the interstate commerce commission, filing a copy thereof with the public service commission of Ohio. When any one of such appliances is lacking on any locomotive, tender, car or similar vehicle, this shall be deemed to be a defective appliance.

Liability of company for failure to make repairs.

Sec. 8963. A railroad whose superintendent or station agent receives such notice of such defective appliance shall cause it to be immediately repaired. The company shall be liable in damages to any person injured, for any injury received by reason of such defective appliance. Nothing in this chapter contained shall diminish the existing legal liability of railroads for injury to persons or property.

Inspector may condemn locomotive, tender or car.

Sec. 8964. On the discovery of such defective appliance on any locomotive, tender, car or similar vehicle, such inspector may condemn such locomotive, tender, car or similar vehicle, and order it out of service until repaired and put in good working order. On receiving an order from the inspector condemning any locomotive, tender, car or similar vehicle, the employes of the road in charge thereof shall put it out of service at the first freight division terminal.

Daily forfeiture for use of defective appliance.

Sec. 8965. A railroad company which fails to comply with such order, shall forfeit and pay to the state, in addition to the penalties prescribed in section 8954 of the General Code, the sum of twenty-five dollars for each day such defective appliance is kept in use, contrary thereto, to be collected in a civil suit in any county in the state where service of process can be had on such road. On request from the inspector, the attorney general or the prosecuting

attorney of any county in which the company has a line of railroad shall immediately commence and prosecute, without unnecessary delay, proceedings to collect such sum. The sum so collected less ten per cent. fees for collecting it, due such officer, shall be paid to the general revenue fund of the state.

The sectional numbers herein are in conformity to the General Code.

SECTION 2. That said original sections 8957, 8962, 8963, 8964 and 8965 of the General Code be, and the same are, hereby repealed.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 26th, 1913. 99 G.

[House Bill No. 472.]

AN ACT

To amend sections 198, 218, 219, 220, 225 and 226 of the General Code relating to the vital statistics.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 198, 218, 219, 220, 225 and 226 of the General Code of Ohio be and the same are hereby amended to read as follows:

Duties of secretary of state.

Sec. 198. The secretary of state shall prescribe methods, forms and blanks and furnish necessary postage for obtaining registration of births, and deaths in each district, and of preserving the records thereof and those of the central bureau. He shall enforce the provisions of this chapter thoroughly and uniformly throughout the state, and from time to time, shall recommend necessary legislation for that purpose. He shall provide for necessary clerical and other assistance to carry out the provisions of this chapter. No system of registration of births and deaths in municipalities in conflict with this chapter shall be maintained or continued.

Each birth in the state shall be registered.

Sec. 218. Each birth that occurs in the state shall be immediately registered in the district in which it occurs, as hereinafter provided. Within ten days thereafter, the attending physician or midwife shall file with the local registrar of the district in which the birth occurred a certificate of birth, properly and completely filled out, giving all the particulars herein required. If there be no attending physician or midwife, the father or mother of the child, householder or owner of the premises, manager or superintendent of public or private institutions in which the birth

occurred, shall notify the local registrar within ten days thereafter of such birth having occurred. In such case, the local registrar shall secure the necessary information and signature to make a proper certificate of birth.

In case the attending physician or midwife certifies as provided IN SECTION TWO HUNDRED AND NINETEEN, that he or she does not possess and cannot obtain without an independent inquiry the information necessary to fill out items Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17 and 18 of the certificate required by section two hundred and nineteen, the local registrar shall secure the necessary information to properly fill out such omitted items in such certificate from the father or mother of the child, householder or owner of the premises, manager or superintendent of public or private institution in which the birth occurred, or other person qualified to supply such information, and shall properly fill out the omitted items of said certificate with the information so obtained, and the person from whom such information is obtained shall sign a statement endorsed on such certificate that he or she furnished the information necessary to fill out the items omitted by the attending physician or midwife.

When local registrar shall secure necessary information.

Sec. 219. The certificate of birth shall contain the following items:

What certificate of birth shall contain.

(1) Place of birth; including state, county, township, village or city. If in a city, the ward, street and house number; if in a hospital or other institution, the name thereof instead of the street and house number.

(2) Full name of the child. If the child dies without a name before the certificate is filed, enter the words died unnamed. If the living child has not been named at the date of filing certificate of birth, the space for full name of child, is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(2-a) Full name of mother.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in a case of plural birth, giving number of child in order of birth.

(5) Whether legitimate or illegitimate.

(6) Full name of father, except in the case of illegitimate births.

(7) Residence of father.

(8) Color or race of father.

(9) Birthplace of father.

(10) Age of the father at last birthday, in years.

(11) Occupation of father.

(12) Maiden name of mother, in full.

(13) Residence of mother.

(14) Color or race of mother.

(15) Birthplace of mother.

(16) Age of mother at last birthday, in years.

(17) Occupation of mother.

(18) Number of child of this mother, and number of children of this mother now living.

(19) Certificate of attending physician or midwife as to attendance at birth; including statement of year, month, day, and hour of birth, and whether the child was alive or dead at birth. This certificate shall be signed by the attending physician or midwife, with date of signature and address.

If the physician or midwife does not possess and cannot obtain without an independent inquiry, the information necessary to supply items 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18 of said certificate, said physician or midwife shall so certify in said certificate. If there is no physician or midwife, in attendance, or if the physician or midwife in attendance certifies that he or she does not possess and cannot obtain without an independent inquiry the information necessary to fill out items Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18 of such certificate, then such certificate, or portion of the same not filled out by the physician or midwife, shall be signed by the father or mother of the child, householder or owner of the premises or manager or superintendent of public or private institution, or other competent person whose duty it shall be to notify the local registrar of such birth as required by the preceding section.

(20) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided.

Requirements as to all certificates.

Sec. 220. All certificates, either of birth or death, shall be written legibly, in unfading ink. No certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission, as provided by law.

State registrar shall examine monthly certificates and make indexes.

Sec. 225. The state registrar shall carefully examine the monthly certificates from the local registrars, and shall secure such further information as may be necessary to make the record complete and satisfactory. He shall arrange, bind, and permanently preserve the certificates in a systematic manner. He shall maintain a card index of all births and deaths registered, to show the name of child, or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained.

Local registrar shall furnish blank forms, stamped envelopes, etc.

Sec. 226. The local registrar shall supply blank forms of certificates and stamped and addressed envelopes, to such persons as require them. He shall require each certificate of birth or death, when presented for record to be made out in accordance with law and the instructions of the state registrar. If a certificate of death is incomplete or unsatisfactory, he shall indicate the defects therein and withhold the burial or removal permit until corrected. If

the certificate of death is properly executed and complete, he shall issue a burial or removal permit to the undertaker.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, Attorney General.

SECTION 2. That said original sections 198, 218, 219, 220, 225 and 226 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 19th, 1913.
Approved April 24th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 26th, 1913. 100 G.

(House Bill No. 138.)

AN ACT

Requiring electric, interurban and street railroads operating cars by electricity conducted through or along third rails, to construct and maintain fences on each side of their rights of way.

Be it enacted by the General Assembly of the State of Ohio:

Section 9149-3. SECTION 1. That every company or person having the control or management of an electric, interurban, or street railroad, which operates its cars by electricity conducted through or along a third rail, shall construct, or cause to be constructed, and maintain in good repair on each side of its right of way through which such third rail extends, a fence sufficient to turn stock; and such company or person shall cause to be maintained at every point where any public road, street, lane, or highway crosses such railroad, safe and sufficient crossings, and on each side of such crossings cattle-guards sufficient to prevent domestic animals from going upon said railroads; and every such company or person shall be liable for all damages sustained in person or property in any manner by reason, of any neglect or carelessness in the construction or maintenance of any such fence, crossing or cattle-guard, whether such damage be sustained from the contact of said domestic animals with said cars or from contact with, or by reason of, electricity passing through or along such third rail. Provided, however, that the provisions of this act shall not require the building and maintenance of such fence between the right-of-way of such electric, interurban, or street railway, and the right-of-way of any steam or electric railway where

Electric railroads operating cars along third rail required to maintain fences, crossings and cattle guards.

Exception.

said rights-of-way are parallel and abut upon each other, and such steam or electric railway maintains a fence on the opposite side of its right-of-way.

Section 9149-4.

Abutting owner may construct and maintain fence, when.

SECTION 2. If any such company or person neglect or refuse to construct and maintain such fence as provided in the preceding section, the owner of any land abutting on the line of the right-of-way of such person or company may construct the fence thereon as herein provided for, so far as his lands abut on the right-of-way; and when he has completed the same, he may present for payment, to the ticket agent of the company at the station nearest the track so fenced, an itemized statement of the expenses thereof; and if such person or company neglect or refuse for thirty days to pay such account, such land owner may recover the reasonable cost of such fence from the owner of the road, in any court of competent jurisdiction.

Section 9149-5.

Injury to domestic animal prima facie evidence of failure to comply with law.

SECTION 3. If any domestic animal shall receive any injury or be killed upon such right-of-way, either by coming in contact with a moving car, or by reason of the electricity contained in or passing through a third rail of such railroad, such injury or death shall be prima facie evidence that the person or company operating said railroad has failed to comply with the requirements of this act.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 25th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 26th, 1913. 101 G.

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[House Bill No. 544.]

AN ACT

To provide an additional method for the laying out, construction, repair or improvement of any public road or any part thereof and for the straightening, widening, altering and draining of the same, by the county commissioners to amend sections 6926 to 6956 inclusive, and to supplement section 6956 by section to be known as 6956-a and to repeal original sections 6926 to 6956 inclusive, of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6926 to 6956 inclusive, of the General Code be amended to read as follows:

Sec. 6926. When a majority of the resident owners of real estate situated within one mile of either side of a pub-

lic road, present a petition to the board of county commissioners asking for the grading and improving of such road, the county commissioners shall go upon the line of the road described in such petition. If, in their opinion, the public utility requires such road to be graded and improved, they shall determine whether the improvement shall be partly or wholly constructed of stone, gravel, brick or other materials, and what part or parts of such road improvement shall be of stone, gravel, brick or other materials, and enter their decision on their journal.

Petition for grading and improving roads by resident land owners.

Sec. 6927. At such time the county commissioners shall also appoint an engineer to go over the line of such road and make such markings, gradient lines, plat, profiles, and estimates as they prescribe in the entry on their journal, and order that such improvement be made.

Engineer to make plats, profiles and markings.

Sec. 6928. The county commissioners shall order that a portion of the cost, and expenses thereof, which shall not be less than one-half, nor more than two-thirds of the total, shall be paid out of the proceeds of any levy or levies upon the grand duplicate of the county against the taxable property of any township or townships in which such road may be in whole or in part, as authorized hereinafter. They shall also order that the balance of said cost and expense be assessed upon and collected from the owners of said real estate, and from the real estate benefited thereby in proportion to the benefit to be derived therefrom by said real estate as determined by said commissioners.

Costs and expenses; apportionment of.

Sec. 6929. Said order shall also state the lands which shall be subject to be assessed for the cost and expense of the improvement, and whether the estimated assessment therefor shall be made before the improvement is commenced, or after it is completed. It shall not be necessary in determining such majority petitioners to count land owners residing within a municipality.

Designation of lands to be assessed.

Sec. 6930. When the road proposed to be improved is along the county line between two or more counties, a copy of the petition, certified to by the commissioners of the county in which the original is on file, shall be filed with the commissioners of each of the several counties along the line of the proposed road. The several boards of county commissioners shall go upon the line of such road at a time to be agreed upon by the boards and shall act jointly in the manner and form as though they were one and the same board, as provided in the preceding sections of this subdivision.

Joint action of county boards of commissioners.

Sec. 6931. The expense shall be divided between the counties, or townships thereof, along which such improvement may be in whole or in part, in the proportion which the distance along such township or county bears to the whole distance to be so improved. The amount of expense so falling upon the several counties, or townships thereof, shall be assessed by the commissioners of said counties, separately, in the manner and form as though the improve-

Apportionment of expenses between the counties.

ment was wholly in one township, or county, as provided in section sixty-nine hundred and twenty-eight. The counting of the signatures on the petition of residents of their respective counties, may be done separately, or jointly, at the will of the joint board. But a majority of all, as provided in section sixty-nine hundred and twenty-six, shall be sufficient for action thereon.

Majority of joint board must concur.

Sec. 6932. A majority of the joint board in favor of such improvement, shall be sufficient for the construction of the proposed improvement.

Appointment of engineer, who shall prepare plans, plats, etc.

Sec. 6933. After making such order for an improvement, the county commissioners shall appoint a competent engineer to superintend the performance and completion of the work, who, under the direction and with the approval of said commissioners shall prepare and file the necessary plans, plats, profiles and specifications thereof. After such plans and specifications, as the commissioners deem necessary, are adopted, the work shall be publicly let by the county commissioners to the lowest responsible bidder, who shall enter into bond with sufficient sureties, and in such amount as the commissioners approve and determine, conditioned for the faithful performance of the work.

Contract let to lowest bidder.

Notice of letting contract.

Sec. 6934. Notice of such letting shall be first published for at least four weeks in a newspaper printed and of general circulation in the county, stating the nature and extent of the work and the time when said letting will be made; or, if sealed bids are required, when they will be opened. The county commissioners may let the work as a whole, or in convenient sections as they may determine. They may require a bond from each bidder in such sums as they determine, with sureties to their approval conditioned that if the contract is awarded on such bid, the bidder will enter into the contract and execute the bond, with approved sureties, for the faithful performance of the contract.

Commissioners may remove engineer and may reject all bids.

Sec. 6935. The county commissioners may remove the engineer at any time, and appoint another in his place. If, in their judgment, no reasonable bid is made for said work, they may refuse to accept any bid so made or to enter into such contract and may readvertise it.

Original papers.

Sec. 6936. The original papers shall be kept on file in the county in which the original petition was filed. Copies thereof, certified to by the commissioners of the county in which the originals are on file, shall be filed with the county commissioners of each of the other counties. Notice of the letting of the work shall be published in a newspaper printed in each of the counties.

Notice shall be published in each county.

Estimated assessment by engineer to be filed and open for public inspection.

Sec. 6937. The county commissioners, either before the improvement is commenced, or after it is completed, as they determine at the time of ordering the improvement, shall instruct said engineer to make upon actual view, and to report to them, an estimated assessment of the proportion of the cost and expense upon the real estate to be charged therewith, or upon such real estate included in the

descriptions and boundaries, as in his judgment should be assessed, in proportion, as nearly as may be to the benefits which may result from such improvement to the real estate so assessed. Such assessment shall be filed with the county commissioners, and kept in the auditor's office for public inspection.

Notice before adoption of such assessment.

Sec. 6938. Before adopting such assessment the county commissioners shall publish notice for three consecutive weeks, in a newspaper of general circulation in the county, that such assessment has been made and is on file in the office of the auditor for inspection. If no objections are filed thereto within one week after the date of the last publication of said notice, the commissioners may confirm it. If an owner of property assessed objects to the assessment, he shall file his objections in writing with the commissioners, within one week after the last publication of the notice.

Objections; when and where filed.

Appointment of equalizing board.

Sec. 6939. Thereupon the county commissioners shall appoint three other disinterested freeholders, to act as an equalizing board, who shall meet at the county auditor's office at a time to be fixed by the county commissioners, with power to adjourn from time to time. They shall hear and determine all objections to the assessment, equalize it, or approve the assessment already made, as they deem just. They shall report their action to the commisioners, who may confirm it or set it aside and cause a new equalizing board to be appointed with like powers and qualifications. When the assessment is confirmed by the commissioners, it shall be final.

Powers and duties of board.

Sec. 6940. The members of the assessing and equalizing board, before entering upon their duties, shall take an oath before a proper officer to faithfully, honestly and impartially discharge their duties in making or equalizing the assessments, and, in either case, a majority of the board may determine any question before it. Any member of the board may administer oaths to witnesses, and the board shall hear testimony for or against persons filing such objections. If any real estate to be assessed is subject to a life estate, the assessment made thereon shall be apportioned between the owner of the life estate and the owner of the fee in proportion to the relative value of their respective estates, to be ascertained upon the principles applicable to life annuities.

Proceedings in making improvement.

Sec. 6941. When the proposed road improvement extends along the county line between two or more counties, all of the provisions of the next four preceding sections shall apply to each of the several counties along which the road is proposed to be improved, except that all of the original papers, and copies thereof, shall be filed in the manner provided in section sixty-nine hundred and thirty-six. The county commissioners of each of the counties may act separately to determine the amount of assessment, and decide objections thereto, on all property lying within their respec-

tive counties. All objections to the assessment shall be filed with the commissioners of the county in which the land is situated.

Record, accounts, files.

Sec. 6942. The county commissioners shall cause to be kept by the county auditor a full record of all proceedings herein provided for, with accurate accounts of the receipts and expenditures of money. All profiles, plats and specifications shall be filed and kept in the office of the county auditor.

Sec. 6943. No money shall be drawn from the treasury, belonging to the fund raised under the provisions of this subdivision of this chapter, except to pay liabilities already accrued, and then only in pursuance of orders made by the county commissioners while in session as a board, and entered upon the record of their proceedings. Such payments must be by order drawn by the county auditor upon the county treasury in favor of the person to whom such money is due.

How money may be drawn.

Sec. 6944. The commissioners of the county in which the original petition is on file shall cause the auditor of such county to keep a complete record of the proceedings, except of the amount to be paid by the other county or counties, of which only the aggregate amount shall be required to be kept by him. Copies of profiles, plats and specifications, certified to by the commissioners, shall be filed with the commissioners of each of the other counties along the line of the proposed road improvement, to be kept on file by the auditor of each of the counties. The auditor of each of the several counties shall keep an accurate account of the receipts and expenditures of money belonging to his county.

Further record and duties by county auditor.

Sec. 6945. For the purpose of providing by general taxation a fund out of which not less than one-half nor more than two-thirds of the costs and expenses of all improvements made under the provisions of this subdivision of this chapter can be paid, the commissioners are authorized to levy upon the taxable property of any township or townships within the county in which such improved road is to be or has been constructed, not exceeding three mills in any one year upon each dollar of the valuation of the taxable property in such township or townships. Such levies shall be in addition to all other levies authorized by law for township purposes, but subject to the maximum limitation upon the aggregate amount of all levies now in force.

Tax levy for road building fund.

Sec. 6946. The proceeds of such levy or levies shall be applied and used by the county commissioners in the construction of stone and gravel roads, and for no other purpose. Such funds shall be expended under the direct orders and supervision of the county commissioners.

How proceeds shall be applied.

Sec. 6947. All the proceeds of such stone and gravel road building levies, and of the sale of bonds under the provisions of this subdivision of this chapter, shall be placed to the credit of a fund to be called "the stone and gravel road building fund," out of which shall be paid all the

"Stone and gravel road building fund."

costs and expenses of said improvement, including the expenses of the preliminary view and survey and the fees of the engineer and auditor. The auditor shall keep a separate account of each different improvement in a book to be kept for that purpose.

Tax levy by each county.

Sec. 6948. When the proposed road improvement extends along the county line between two or more counties, the county commissioners of each county along which such road is proposed to be improved, may levy a tax for the payment of all costs and expenses belonging to their respective counties under and in compliance with the provisions of section sixty-nine hundred and forty-five.

Bonds may be issued.

Sec. 6949. The county commissioners, if in their judgment it is desirable, may sell the bonds of any county in which such improvement is to be or has been constructed to an amount necessary to pay, of the costs and expenses of such road improvement, the respective shares of such township or townships and of the land owners whose lands therein are benefited by such road improvement. Such bonds shall state for what purpose issued, bear interest at a rate not in excess of five per cent. per annum, payable semi-annually, and mature, in not more than ten years after their issue, in such amounts and at such times as the commissioners shall determine, but not more than one-fifth of the principal of said bonds shall mature in any one year. They shall be sold according to law and for not less than par and accrued interest.

Proceeds, how applied.

Sec. 6950. The proceeds of such bonds shall be applied and used exclusively for the payment of the expenses and cost of construction of such stone or gravel road improvement, and the levy for the payment of the principal and interest of such bonds may be in addition to any levy now authorized by law, but subject to the aggregate limitations provided by law.

Road along county line.

Sec. 6951. When the proposed road improvement extends along the county line between two or more counties, the provisions of the next two preceding sections shall extend to each of the respective counties along which such road improvement is proposed. The county commissioners of each of such counties shall act in compliance with said sections.

Effect of signing both petition and remonstrance.

Sec. 6952. If a person, who signed the petition asking for such road improvement, afterwards signed a remonstrance, so that by counting such person remonstrator instead of petitioner the object and prayer of such petition will be defeated, the person who is both petitioner and remonstrator shall pay all costs growing out of the presentation of the petition and the proceedings had thereon.

Procedure on failure to pay costs.

Sec. 6953. If such costs are not paid within thirty days after the dismissal of further proceedings in the

case, the county auditor shall tax the costs against such person, and if there is more than one such person, the auditor shall apportion the costs among them in the proportion to the appraised value of their several lands for taxation that are within one mile of the route on which the improvement was prayed for. He shall place the amounts on the grand duplicate for collection, to become due and payable at the next December collection of taxes thereafter. Like penalties shall attach and proceedings be had in the collection as in delinquent state and county taxes.

Improvement on county line.

Sec. 6954. When the proposed road improvement extends along the county line between two or more counties, the provisions of the next two preceding sections shall extend to each of the counties along which the road is proposed to be improved.

Joint action for improvement of state line roads.

Sec. 6955. When the proposed road improvement extends along the line between this state and another state or states, having just and adequate laws to provide for the payment of such a share of the expense as would fall upon such state or states, the county commissioners of any county along which such road is proposed to be improved, shall act jointly with the legally authorized authorities of such state or states, in the manner and form as is provided in this subdivision of this chapter for county line roads.

Share of expense to be equitable.

Sec. 6956. A township or county shall not be held for more than its just and equitable share of expense, under the provisions of this subdivision of this chapter, for the improvement of either county or state line roads.

Additional method of road construction.

Sec. 6956-a. It is hereby declared the intention to provide an additional method for the laying out, construction, repair or improvement of any public road or any part thereof and for the straightening, widening, altering and draining of the same by the county commissioners, and the method provided herein shall be in addition to all other methods provided for by law, and it is not intended to and does not repeal any section or sections applying a method for the improvement, construction or repair of any public highway, not here specifically repealed.

The sectional numbers herein are in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 6926 to 6956 inclusive of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 8th, 1913.
Approved April 26th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 28th, 1913. 102 G.

[Senate Bill No. 185.]

AN ACT

To provide for the council of the city of Cincinnati.

Be it enacted by the General Assembly of the State of Ohio:

Section 14821-1. SECTION 1. That the council of the city of Cincinnati shall be composed of ten members and a president thereof, all elected at large at the regular municipal election in the year 1913, and at each regular municipal election thereafter. That said council shall have all the powers and perform all the duties and be subject to all the provisions now provided by law for councils of cities, not inconsistent herewith, and shall be a continuance of the present council, with power to act upon unfinished business. The president shall be vice-mayor of said city, and shall be entitled to vote on all matters. Each member and the president shall receive a salary of three thousand five hundred ($3,500.00) dollars per annum, and the president shall receive in addition thereto compensation at the rate of six hundred ($600.00) dollars per month for such time as he shall be called upon to serve in place of the mayor.

Council of the city of Cincinnati; powers and duties and salaries of members.

The members shall devote their entire time to the duties of their office so far as may be required for the full and complete investigation and determination of all matters that come before it.

Section 14821-2. SECTION 2. Immediately upon its organization the council of the city of Cincinnati shall subdivide said city into ten geographical districts and shall assign one member as representative committeeman for each of such districts.

Geographical districts.

Section 14821-3. SECTION 3. There shall be a special election in the city of Cincinnati on the thirtieth day of July, A. D., 1913, at which time there shall be submitted to the electors of Cincinnati, the question of changing the council of such city as provided in this act. Such special election shall be held in the regular voting places and shall be conducted in accordance with the general election laws of the state. Council shall appropriate whatever money may be necessary for the proper conduct of such election. The board of deputy state supervisors and inspectors of elections of Hamilton county shall cause to be printed on the ballots the following question:

Submission of question of change of council.

"Shall Cincinnati adopt the small council?"

Form of ballot.

Then shall be printed the following proposition in the order set forth:

"For the adoption of the small council plan."

"Against the adoption of the small council plan."

Immediately to the left of each proposition shall be placed a square in which the electors by making a cross (X) mark may vote for or against such proposition.

Notice of election not required.

If approved by a majority of the electors voting thereon there shall be a council and president thereof as provided in this act. No notice of such election shall be required.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved April 28th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 28th, 1913. 103 L.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[Senate Bill No. 287.]

AN ACT

To establish the Ohio flood relief commission; to define its powers and duties and to provide for the establishment of emergency commissions in certain counties and municipalities of the state, to assist in restoring the public works and public property damaged by the floods of March and April, 1913.

Be it enacted by the General Assembly of the State of Ohio:

Establishment of Ohio flood relief commission.

SECTION 1. There shall be a commission composed of five residents of the state of Ohio who shall constitute the Ohio flood relief commission and who shall serve without compensation. Such commission shall be appointed by the governor and shall serve for a period of two years from the date of the appointment of the first commissioner. The governor may remove any member of the commission and shall immediately fill any vacancies occurring in the commission.

Duties.

SECTION 2. It shall be the duty of the commission to aid the citizens of the state of Ohio in any way reasonable and proper in recovering from the flood losses of March and April, 1913. It shall co-operate with the various counties and municipalities and other subdivisions of the state in the alleviation of hardship and suffering occasioned by such floods, and shall advise them respecting the ways and means adopted for that purpose. The commission shall co-operate with the governor and the Red Cross Society in the alleviation of suffering occasioned by such floods.

Petition to commission for relief in municipality.

SECTION 3. If within fifteen days after this act shall take effect a petition signed by the electors in any municipality equal in number to ten per cent. of those who voted at the last regular municipal election, shall be filed with the Ohio flood relief commission stating that public works or public property in such municipality have been seriously damaged by the floods of March and April, 1913, so as to constitute an emergency which the municipal authorities are unable to meet, and that such authorities are unable

to adequately provide for the repair of the damage caused by such floods, and for the reconstruction of such public works made necessary thereby, the Ohio flood relief commission shall forthwith investigate the statements of such petition. If the commission finds that the statements contained therein are true and that such emergency exists, it shall notify the mayor of such city who shall within five days appoint, with the approval of the Ohio flood relief commission, not to exceed four electors of such city to constitute the emergency commission of such city.

Emergency commission.

SECTION 4. If the mayor of such city fails to make such appointments as required in section 3 of this act, such appointments shall be made by the Ohio flood relief commission.

SECTION 5. Members of the emergency commission shall serve without compensation and for a period in no event to exceed one year from the date of the appointment of the first member of such commission, or until sooner removed as herein provided; provided further that whenever such commission shall file a report with the city council stating that its work has been completed or that there is no further need for the existence of such commission, the terms of the members of such commission shall terminate. Any commissioner may be removed by the mayor with the approval of the Ohio flood relief commission and all vacancies shall be filled by the mayor with the approval of the Ohio flood relief commission.

Period of service of members.

SECTION 6. The emergency commission of any municipality shall have, in conjunction with the director of public service, all the powers and duties of the director of public service in such municipality in so far as they may extend to the repairing, rebuilding and restoring of public works destroyed or damaged by the floods of March and April, 1913, and shall exercise and perform such powers and duties jointly with such director.

Powers and duties of emergency commissioners.

SECTION 7. If within fifteen days after this act shall take effect a petition signed by the electors of any county, equal in number to ten percentum of those who voted at the last regular county election, shall be filed with the Ohio flood relief commission, stating that public works or public property in such county has been seriously damaged by the floods of March and April, 1913, so as to constitute an emergency which the county commissioners are unable to meet and that such authorities are unable to adequately provide for the repair of the damage caused by such floods and for the reconstruction of public works made necessary thereby, the Ohio flood relief commission shall forthwith investigate the statements of such petition. If the commission finds that the statements therein made are true, they shall so notify the probate judge of such county who shall within five days appoint with the approval of the Ohio flood relief commission not to exceed four electors of

Petition for relief by county.

Emergency commission.

such county to constitute the emergency commission of such county.

SECTION 8. If the probate judge of such county fails to make such appointments as required in section 7 of this act such appointments shall be made by the Ohio flood relief commission.

Period of service of members.

SECTION 9. Members of such emergency commission shall serve for a period in no event to exceed one year from the date of the appointment of the first member of such commission, and without compensation; provided that whenever such commission files a report with the probate judge of the county, that its work has been completed or that there is no further need for the existence of such commission the terms of the members of such commissioners shall terminate. Any commissioner may be removed by the probate judge with the approval of the Ohio flood relief commission, and all vacancies shall be filled by the probate judge with the approval of the Ohio flood relief commission.

Powers and duties.

SECTION 10. The emergency commission of any county shall exercise in conjunction with the county commissioners such powers and duties as are conferred upon the county commissioners in so far as they extend to the repairing, rebuilding and restoring of public works destroyed or damaged by the floods of March and April, 1913, and the emergency commission shall exercise and perform such duties jointly with such county commissioners.

Petition for submission of question of continuance of emergency commission in municipality.

SECTION 11. In any city in which an emergency commission has been appointed as provided herein, when electors of such municipality, equal in number to ten per cent. of those who voted at the last regular municipal election shall file a petition with the board of deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections, as the case may be, of the county in which the said municipality is situated, asking that the question of the continuance of the emergency commission in such municipality be submitted to the electors thereof, such board shall at once certify that fact to the council of the municipality and the council shall provide at once for the submitting of such question at a special election to be held not less than thirty nor more than sixty days after the filing of such petition. Such an election shall be conducted in accordance with the general laws of the state except as otherwise provided in this act, and the council of any such municipality holding such election shall appropriate such money as may be necessary for the proper conduct thereof. If, however, a regular election or any special election is to be held at any such municipality within sixty days of the filing of such petition, the question of the continuance of the emergency commission shall be submitted at such election.

Election.

SECTION 12. In submitting the question of continuing the emergency commission in such city the board of deputy

state supervisor of elections or the board of deputy state supervisors and inspectors of elections, as the case may be, shall cause to be printed on the ballots the following question: Form of ballot.

"Shall the Emergency Commission of the City of..... be continued?"

Immediately following such question there shall be printed on the ballots the second proposition in the order herein set forth:

"For the continuation of the Emergency Commission in the City of ....."

"Against the continuation of the Emergency Commission in the City of ....."

Immediately to the left of each of the propositions shall be placed a square in which the electors by making a cross (X) mark may vote for or against any such proposition.

SECTION 13. If the proposition to continue the emergency commission provided in this act in such city fails to receive the approval of the majority of those voting thereon the terms of the members of such commission shall expire on the tenth day after the result of such election is certified. In such event the director of public service of such municipality shall, upon the tenth day after the results of such election are certified, resume and exercise the powers and duties conferred upon his office by law. Director of public service shall exercise duties on failure of question.

SECTION 14. In any county in which an emergency commission has been apopinted as provided for herein when the electors in such county equal in number to ten per cent. of those who voted at the last regular election shall file a petition with the board of deputy state supervisors of elections or the board of deputy state supervisors and inspectors of elections, as the case may be, of such county asking that the question of the continuance of the emergency commission in such county be submitted to the electors thereof, said board shall at once certify that fact to the commissioners of such county and the commissioners shall provide at once for submitting such question at a special election to be held not less than thirty nor more than sixty days after the filing of such petition. Such an election shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act, and the commissioners of any county holding such an election shall appropriate such money as may be necessary for the proper conduct thereof. If, however, a regular election or another special election is to be held in such county within sixty days of the filing of such petitions the question of the continuance of the emergency commission shall be submitted at such election. Petition for submission of question of continuance of commission in county. Election.

SECTION 15. In submitting the question of continuing the emergency commission in such county the board of deputy state supervisors of elections or the board of deputy

Form of ballot.

state supervisors and inspectors of elections, as the case may be, shall cause to be printed on the ballots the following question:

"Shall the Emergency Commission of the County of ..... be continued?"

Immediately following such question there shall be printed on the ballots the second proposition in the order herein set forth:

"For the continuation of the Emergency Commission in the County of ....."

"Against the continuation of the Emergency Commission in the County of ....."

Immediately to the left of each of the propositions shall be placed a square in which the electors, by making a cross (X) mark, may vote for or against any such proposition.

County commissioners shall act on failure of question.

SECTION 16. If the proposition to continue the emergency commission provided in this act in such county fails to receive the approval of a majority of those voting thereon the terms of the members of such commission shall expire on the tenth day after the results of such elections are certified. In such event the commissioners of such county shall, upon the tenth day after the results of such elections are certified, resume and exercise the powers and duties conferred upon them by law.

Emergency act.

SECTION 17. This act is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace, health and safety. Such necessity arises from the fact that by reason of the floods mentioned in section one of this act many important channels of communication by travel in the state have been interrupted, impaired or destroyed; many public utilities, and other public property, the immediate restoration of which is necessary to the public health and safety have been destroyed or injured; means of preserving the public peace have been interfered with, and the situation in the flooded districts is such as cannot adequately be met by any proceedings under the general laws of this state. Therefore this act shall take effect from and after its passage and approval.

This act is temporary and does not require sectional numbering in the General Code.

TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved April 28th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 30th, 1913. 104 G.

[House Bill No. 499.]

AN ACT

To amend sections 4227-1, 4227-2, 4227-3, 4227-4, 4227-5 and 4227-6 of the General Code as enacted June 14th, 1911, providing for the initiative and referendum in municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4227-1, 4227-2, 4227-3, 4227-4, 4227-5 and 4227-6 of the General Code be amended to read as follows:

Sec. 4227-1. Ordinances and other measures providing for the exercise of any and all powers of government granted by the constitution or now delegated or hereafter delegated to any municipal corporation, by the general assembly, may be proposed by initiative petition. Such initiative petition must contain the signatures of not less than ten percentum of the electors of such municipal corporation.

Initiative and referendum in municipalities.

When there shall have been filed with the officer, officers, or board having control of elections in such municipal corporation, a petition signed by the aforestated required number of electors proposing an ordinance or other measure, the full text of which shall have been set forth in such initiative petition, such election officer, officers, or board shall submit for the approval or rejection of the electors of such municipal corporation the proposed ordinance or measure at the next succeeding regular or general election, in any year, occurring subsequent to thirty days after the filing of such initiative petition. Any ordinance or measure proposed by initiative petition may also be submitted to the qualified electors of such municipal corporation at any special election instead of a regular or general election provided that thirty days' notice is given by the council of the municipality, and such election is regularly called by such council under the general laws.

Initiative petition.

No ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the same in such municipal corporation shall be subject to the veto of the mayor.

Measure so passed not subject to veto.

Sec. 4227-2. Any ordinance, or other measure passed by the council of any municipal corporation shall be subject to the referendum except as hereinafter provided. No ordinance or other measure shall go into effect until thirty days after it shall have been filed with the mayor of such municipal corporation, except as hereinafter provided.

When ordinances shall take effect.

When a petition signed by ten per cent. of the electors of any municipal corporation shall have been filed with the election officer, officers or board having control of elections in such municipal corporation, within thirty days

Referendum petition.

after any ordinance, or other measure shall have been filed with the mayor, ordering that such ordinance or measure, be submitted to the electors of such municipal corporation for their approval or rejection, such election officer, officers or board shall cause to be submitted to the electors of such municipal corporation for their approval or rejection, such ordinance, or measure at the next succeeding regular or general election, in any year, occurring subsequent to thirty days after the filing of such petition. Any ordinance or measure proposed by initiative petition may also be submitted to the qualified electors of such municipal corporation at any special election instead of a regular or general election provided that thirty days' notice is given by the council of the municipality and such election is regularly called by such council under the general laws.

No such ordinance or measure shall go into effect until and unless approved by the majority of those voting upon the same. Nothing in this act shall prevent a municipality after the passage of any ordinance, or resolution from proceeding at once, to give any notice, or make any publication, required by such ordinance or resolution.

To what ordinance or measure act applies.

Sec. 4227-3. Whenever the council of any municipal corporation is by law required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the provisions of this act shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances and other measures relating thereto. Ordinances or other measures providing for appropriations for the current expenses of any municipal corporation, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be especially assessed for the cost thereof as provided by statute, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety in such municipal corporation, shall go into immediate effect. Such emergency ordinances or measures must, upon a yea and nay vote, receive the vote of two-thirds of all the members elected to the council or other body corresponding to the council of such municipal corporation, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure. The provisions of this act shall apply to pending legislation providing for any public improvement.

Petitions may be presented in separate parts; signing, affidavit.

Sec. 4227-4. Any initiative or referendum petition may be presented in separate parts but each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure and each part of any referendum petition shall contain the number and a full and correct copy of the title

of the ordinance or other measure sought to be referred. Each signer of any such initiative or referendum petition must be an elector of the municipal corporation in which the election, upon the ordinance or measure proposed by such initiative petition or the ordinance or measure referred by such referendum petition, is to be held, and shall place on such petition, after his name, the date of signing, his place of residence including street and number, if any, and the ward and precinct. Each part of such petition shall contain the affidavit of the person soliciting the signatures to the same, which affidavits shall contain a statement of the number of signers of such part of such petition and shall state that to the best of his knowledge and belief each of the signatures contained on such part is the genuine signature of the person whose name it purports to be, and believes that such persons are electors of the municipal corporation and that they signed such petition with knowledge of the contents thereof.

Ordinance not void because of insufficiency of petition.

The petitions and signatures upon such petitions shall be prima facie presumed to be in all respects sufficient. No ordinance or other measure submitted to the electors of any municipal corporation and receiving an affirmative majority of the votes cast thereon, shall be held ineffective or void on account of the insufficiency of the petitions by which such submission of the same shall have been procured, nor shall the rejection by a majority of the votes cast thereon, of any ordinance or other measure, submitted to the electors of such municipal corporation, be held invalid for such insufficiency. The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of mayor at the last preceding election therefor.

How number of petitioners determined.

To what municipalities act does not apply.

Sec. 4227-5. The provisions of this act shall not apply to municipalities that may hereafter adopt their own charter which contains an initiative and referendum provision for their own ordinances and other legislative measures. Any person violating the provisions of this act shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail or workhouse not exceeding six months, or both.

Repeals.

SECTION 2. That said original sections 4227-1, 4227-2, 4227-3, 4227-4, 4227-5 and 4227-6 of the General Code be, and the same are hereby repealed.

Emergency act.

SECTION 3. This act is hereby declared to be an emergency act and that its enactment is necessary for the immediate preservation of the public health, safety and welfare. The necessity therefore lies in the fact that in municipalities legislation, now started, to establish sewers and street paving, cannot be consummated before the winter months which will necessitate the delay of building such

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

sewers until the following summer, much to the inconvenience and to the detriment of the health and welfare of the inhabitants.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved April 28th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 30th, 1913. 105 G.

[Senate Bill No. 273.]

AN ACT

To establish the office of justice of the peace and prescribe its jurisdiction, powers and duties.

Be it enacted by the General Assembly of the State of Ohio:

Section 1711-1. Establishment of the office of justice of the peace.

SECTION 1. That there be and is hereby established in each of the several townships in the several counties of the state of Ohio, except townships in which a court other than a mayor's court now exists or may hereafter be created having jurisdiction of all cases of which justices of the peace have or may have jurisdiction, the office of justice of the peace.

Jurisdiction, powers and duties.

The jurisdiction, powers and duties of said office, and the number of justices of the peace in each such township shall be the same as was provided by the laws in force on September 3rd, 1912. All laws and parts of laws in force on said date, in any manner regulating such powers and duties, fixing such jurisdiction or pertaining to such office or the incumbents thereof are hereby declared to be and remain in force until specifically amended or repealed, the same as if herein fully re-enacted.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. This act shall take effect at the earliest period provided by law.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved April 28th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State April 30th, 1913. 106 G.

[House Bill No. 624.]

AN ACT

To amend sections 4804 and 4805 of the General Code relating to the appointment of boards of deputy state supervisors of elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4804 and 4805 of the General Code be amended to read as follows:

Appointment of deputy state supervisors; terms.

Sec. 4804. On or before the first Monday in August, 1913, the state supervisor of elections shall appoint for each such county two members of the board of deputy state supervisors of elections, who shall each serve until the first day of May, 1916, and whose successors shall then be appointed and serve for a term of two years from and after such date. And on or before the first Monday in August, 1914, such state supervisor of elections shall appoint for each such county two members of the board of deputy state supervisors of elections who shall each serve until the first day of May in the year 1917, and whose successors shall then be appointed and serve for a term of two years from and after such date. One member so appointed shall be from the political party which cast the highest number of votes at the last preceding November election for governor, and the other member shall be appointed from the political party which cast the next highest number of votes for such officer at such election.

Recommendation by party committee.

Sec. 4805. For the terms fixed by the preceding section to begin on the first Monday in August, if the executive committee of the two political parties in the county casting the highest and next highest number of votes in the state at the last preceding November election for state officers recommend qualified persons to the state supervisor at least fifteen days before the first day of August, the state supervisor shall appoint the persons so recommended to the number to which each such party is entitled, and for the terms fixed by the preceding section to begin on the first day of May if the executive committee of the two political parties in the county casting the highest and next highest number of votes in the state at the last preceding November election for state officers recommend qualified persons to the state supervisor at least fifteen days before the first day of May, the state supervisor shall appoint the persons so recommended to the number to which each such party is entitled.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 4804 and 4805 of the General Code be, and the same are hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 2nd, 1913.
107 G.

[Amended Senate Bill No. 203.]

AN ACT

To provide for license to traffic in intoxicating liquors and to further regulate the traffic therein; to establish a state liquor licensing board and county liquor licensing boards; to define their powers and duties and to amend sections 6065 and 6071, General Code of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 1261-16. "State Liquor Licensing Board."

SECTION 1. There shall be in this state a board known as the "State Liquor Licensing Board," consisting of three commissioners, not more than two of whom shall belong to the same political party.

Appointment; term.

When this act is in force the governor shall appoint to said board three qualified electors of the state of Ohio, who are residents of different counties therein; one to hold office for two years, another for four years, and a third for six years from the first Monday in August, 1913.

Biennially thereafter, and beginning on the first Monday in August, 1915, the governor shall appoint to said board one license commissioner, to hold office for six years.

Qualifications of commissioner; salary.

No license commissioner shall hold any other public office for profit except that of notary public, nor shall said commissioners be interested, directly or indirectly, in the liquor business; provided, however, that this provision shall not apply to stockholders in hotel companies, nor to stockholders or members of social organizations, nor to stockholders or members of any organization interested in the liquor business which is not operated for profit.

Each commissioner shall receive an annual salary of five thousand dollars, payable monthly, and shall hold his office until his successor shall have been appointed and qualified.

Vacancy.

In case of the death, resignation, removal or disability of any member of the board, the governor shall fill the vacancy for the unexpired term.

Chairman.

The commissioner regularly appointed, and not filling a vacancy, who has the shortest time to serve, shall be the chairman of the board.

Two members of the state board shall constitute a quorum, and in the event of the inability of the board to agree upon a proposition the governor shall cast the deciding vote. Quorum.

The state liquor licensing board shall make rules and regulations for its own government, as well as for the government of the county licensing boards, hereinafter provided for, not inconsistent with law. Rules and regulations.

ection 1261-17. SECTION 2. Each commissioner shall give bond to the state of Ohio, with sureties to the satisfaction of the secretary of state, in the sum of twenty-five thousand dollars, conditioned to perform well and truly the duties of his office and to answer for any default therein. Said bond shall be approved by the secretary of state, and when executed shall be deposited with him. Bond, where deposited.

ection 1261-18. SECTION 3. Every licensing commissioner and the secretary of all licensing boards, whether state or county, shall, before entering upon the duties of his office, take an oath to support the constitution and laws of the United States, the constitution and laws of the state of Ohio, to perform the duties of his office impartially and without prejudice, and to carry into effect the letter and spirit of the liquor licensing system of this state. Oath.

No one interested in the manufacture or sale of intoxicating liquors shall be a surety on any bond required to be given by any commissioner or other officer or employe under the provisions of this act; nor shall the secretary or employe of any board created under this act be interested in the manufacture or sale of intoxicating liquors. Qualifications of sureties for officers and employes.

No member or employe of a state or county licensing board shall take any part, except to vote, in any election involving the prohibition or numerical limitation of saloons; and any violation of this provision shall be deemed misconduct in office and such member of such board may be removed therefor by the appointing power.

Each member of the state and county licensing boards and the respective secretaries thereof shall, for the purposes contemplated by this act, have power to administer oaths, certify to official acts and compel the attendance of witnesses and the production of books, documents, accounts and testimony. Powers of members and secretaries of boards.

ection 1261-19. SECTION 4. Biennially on the first Tuesday after the first Monday in August, beginning with the year 1913, the state liquor licensing board shall meet for organization, and shall adopt rules and regulations for its own government and that of the county boards. Said board shall appoint a secretary, who shall hold office subject to the pleasure of the board, and shall fix his compensation. Said appointment and compensation shall be subject to the approval of the governor. Organization.

Before entering upon his duties the secretary shall give a bond to the state of Ohio, in the sum of fifty thousand dollars, with surety to the approval of the board, the Bond of secretary.

premium for which, if the same is a surety company bond, shall be paid as other expenses of the board are paid. Said bond shall be deposited with the treasurer of state.

Section 1261-20.

Location of office, employment of clerks, inspectors, etc.

SECTION 5. The state liquor licensing board shall provide itself with an office at the seat of government. Said board shall employ the necessary clerks, examiners, inspectors, stenographers and other assistants as it may deem necessary and fix their compensation, subject to the approval of the governor; and shall also provide itself with the necessary furniture, books, stationery and other things that may be necessary for the proper conducting of the office; and may incur such other expenses as it deems expedient, subject to the approval of the governor.

Traveling expenses.

The commissioners, the secretary, clerks, examiners, inspectors, stenographers and other assistants that may be employed shall be entitled to receive their actual and necessary expenses while traveling on the business of the board. Such expenses shall be itemized and sworn to by the person who incurred the same, allowed by the commission and paid as other expenses are paid.

Removal of employes.

The board may remove any of its employes for any violation of law or the rules of the board, or for any neglect of duty or for other good and sufficient cause.

Section 1261-21.

Causes for removal; hearing.

SECTION 6. Any state license commissioner may be removed by the governor in case of misconduct in office, bribery, incompetency, gross neglect of duty or gross immorality, upon a hearing, thirty days' notice having been given to the commissioner whose removal is considered, as well as to the attorney general, who may attend the hearing and represent the state; and the decision of the governor shall be final.

Section 1261-22.

Licensing districts.

SECTION 7. For the purpose of licensing the traffic in intoxicating liquors in this state, the state is hereby divided into licensing districts, and each county in this state shall constitute a licensing district.

County liquor licensing board; appointment and qualification of commissioners.

In each county of the state, wherein the sale of intoxicating liquor is not prohibited throughout the county by law, there shall be a board consisting of two commissioners, representing the state, not more than one of whom shall belong to the same political party, known as "The ..... County Liquor Licensing Board," the blank to be filled with the name of the county. Each commissioner shall be a qualified elector of the state, residing in the county in question and shall be appointed by the state liquor licensing board.

One of the members of said board shall hold office for two years from the second Wednesday in August, 1913, and the other for four years from the second Wednesday in August, 1913, and until their successors are respectively appointed and qualified.

Biennially, beginning with the second Wednesday in August, 1915, the state board aforesaid shall appoint to the respective county boards one commissioner, to hold of-

fice for four years and until his successor is appointed and qualified.

The said license commissioners shall not hold any other public office for profit except that of notary public, nor shall said commissioners be interested, directly or indirectly, in the liquor business; provided, however, that this provision shall not apply to stockholders in hotel companies, nor to stockholders or members of social organizations, nor to stockholders or members of any organization interested in the liquor business which is not operated for profit.

Vacancy.

Any vacancy occurring in any county board through resignation, removal, death or disability shall be filled by the state board for the remainder of the unexpired term.

Section 1261-23.

Salary of licensing commissioners.

SECTION 8. The salary of the county licensing commissioners shall be fixed in the case of each county board by the state liquor licensing board, subject to the approval of the governor, but in no case shall it exceed five thousand dollars per annum for each commissioner, payable monthly.

Section 1261-24.

Chairman.

SECTION 9. The commissioner regularly appointed and not filling a vacancy, who has the shortest term to serve, shall be the chairman of the county board.

Concurrence necessary to action.

No action may be taken by any board without the concurrence of both members of the board. In the event of the inability of the board to agree upon any question before it for the period of more than three days, except as to a granting, renewing or transfering of a license, then the subject of difference shall be certified by the secretary of the board to the state liquor licensing board for decision, and its decision shall be final. In the event of the inability of the board to agree in reference to the granting, renewing or transfering of a license then the secretary of the board shall certify such fact to the state liquor licensing board, which latter board shall immediately designate some disinterested person who possesses all the necessary qualifications for appointment as a member of the county board under the law, to sit with said county board, and shall issue to him a certificate of his appointment. Such disinterested person shall be endowed with all the powers and duties of a member of said county licensing board in reference to the matter in controversy, and a vote of a majority of the board as then constituted shall be final. The said disinterested person so designated to act with the county board shall, before entering upon his duties file with the county board his certificate of appointment and take the oath of office heretofore prescribed for a member of the county licensing board, and shall receive a per diem compensation, not exceeding ten dollars per day and mileage, to be fixed by the state licensing board.

Procedure in cases of disagreement.

Section 1261-25.

Causes for removal; hearing.

SECTION 10. Any county license commissioner may be removed by the state board in case of misconduct in office, bribery, incompetency, any gross neglect of duty or gross

immorality, upon a hearing, thirty days' notice having been given to the commissioner whose removal is considered, as well as to the attorney general, who may attend the hearing and represent the state; and the decision of the state board shall be final.

Section 1261-26. Bond.

SECTION 11. Each commissioner of every county board, before entering upon the duties of his office, shall give bond to the state of Ohio in an amount equal to his annual salary, with surety to the satisfaction of the secretary of state, which bond shall be approved by and deposited with the latter.

Section 1261-27. Organization.

SECTION 12. Within one week after the appointment of the county boards and biennially thereafter every county liquor licensing board shall meet for organization at the office of the county board. Should the duties of the county board demand, and upon authorization first had from the state board, the county board may appoint a secretary and fix his compensation. Such appointment and compensation shall be first approved by the state board. In the event no secretary is appointed, as herein provided, the state board shall designate one of the members of said county board to serve as secretary thereof.

Bond of secretary.

Before entering upon his duties the secretary shall give a bond, payable to the state of Ohio, in the sum of twenty-five hundred dollars, with surety to the approval of the state board, the premium for which, if the same is a surety bond, shall be paid as other expenses of the board are paid.

Section 1261-28. Office, equipment, clerks, etc.

SECTION 13. Each county board shall provide itself with an office at the county seat. Each board may employ such clerks and employes as it deems necessary for the transaction of business and fix their compensation, and may provide itself with books, stationery and other paraphernalia, and may incur such other expenses for its operation as may be necessary to carry on its business. All expenses, including compensation of clerks and employes, shall be subject to the approval of the state board, and the county board shall certify to the state board, on the first day of each month, a statement of all the expenses of such county board for the month preceding, and upon approval thereof the state board shall cause same, together with the compensation of the commissioners and secretary, to be paid in the same manner as its own expenses are paid. The members of the county board, its secretary and employes shall be entitled to receive their actual and necessary expenses while traveling on the business of the board. Such expenses shall be itemized and shown to and paid as other expenses of the board.

Statement of expenses.

In certifying the statement of expenses herein provided for the county board shall also certify all receipts of whatsoever kind received during the preceding month.

Section 1261-29. Removal of secretary for cause.

SECTION 14. The secretary of the county board appointed by said board may be removed by the said board for any violation of duty or neglect of duty, or for other

good and sufficient cause. All other employes shall serve during the pleasure of the board.

Section 1261-30. SECTION 15. The county liquor licensing boards shall make rules and regulations to govern its proceedings not inconsistent with law or with the regulations of the state liquor licensing board.

Rules and regulations.

Section 1261-31. SECTION 16. It shall be the duty of the county liquor licensing boards of the respective counties of the state, and they are hereby authorized to grant, issue, renew and transfer, as provided by law, all licenses to traffic in intoxicating liquors in the county wherein the board is situated; also to suspend or revoke, subject to the conditions and in the manner provided by law, all licenses granted or renewed in said county; and to perform such other duties as may be required by law.

Duties of county liquor licensing boards.

Whenever a municipal corporation is situated in more than one county, the county liquor licensing board of that county (having such a board) in which the largest number of qualified voters of the municipal corporation reside, as determined by the last preceding vote for governor shall exercise exclusively all the powers within and for the territory of such municipal corporation hereinbefore granted to county liquor licensing boards.

All questions as to the jurisdiction of county boards in relation to municipal corporations situated in more than one county shall be determined, in case of conflict, in accordance with the foregoing by the state board, and its decisions shall be final.

Questions of jurisdiction, how determined.

Section 1261-32. SECTION 17. In any inquiry before the state liquor licensing board, excepting in cases coming before said board upon a record transmitted by any county board in accordance with the provisions of sections 38 and 40 herein, the state board shall have the power of summoning witnesses, who may also be ordered to bring with them books and papers or any other thing material to the inquiry. Subject to such rules and limitations as it may adopt, the board, upon the request of any commissioner, any licensee whose license is the subject of inquiry, or the designated attorney of the complainants as in this act provided, shall also issue subpoenas for the attendance of such witnesses as are requested by said commisioner, licensee or said designated attorney, in writing, at least five days before the date of the hearing. No such commissioner, licensee or designated attorney shall be permitted to call more than five witnesses to testify upon the question of the character or reputation of any person whose character or reputation is the subject of inquiry before the board. The sheriff of any county shall serve all subpoenas ordered by said board in the same manner as now required by law for the service of subpoenas in criminal cases.

Powers of state board in matters of inquiry; rules.

Notice of any hearing before the state liquor licensing board in this section provided shall be given to the commissioner or licensee, as the case may be, and to the desig-

Notice of hearing.

nated attorney of complainants if said complainants are interested, at least ten days before the date set for the hearing, which notices of hearing shall be by registered mail sent to the respective persons.

The failure of witnesses so summoned to attend or testify shall, upon certificate of the fact by the board to the common pleas court of the county wherein the default occurs, be acted upon by the said court as upon a proceeding in contempt, and the said court shall be empowered to make such orders as it is empowered to make with reference to contempt of its own authority.

Contempt.

In any such inquiry before the state board the sheriff and witnesses shall be allowed like fees and mileage as are allowed sheriffs and witnesses in the common pleas court in civil cases. Said fees and mileage shall be paid as other expenses of the board.

Witnesses fees.

No witnesses subpoenaed at the instance of any person other than a member of the state liquor licensing board shall be entitled to compensation from the state for attendance or travel unless the said board shall certify that his testimony was material to the inquiry; but any person so called, and whose fees remain unpaid for the reason that the board refuses to certify that his testimony is material to the inquiry, shall have a cause of action against the person requesting that a subpoena be issued for him for the amount of witness fees and mileage to which he would have been entitled had the board deemed his testimony material; and the secretary of the state board shall issue to said witness a certificate stating who requested a subpoena for said witness, the amount of fees and mileage to which he would be entitled had his testimony been deemed material, the fact that said testimony was deemed immaterial to the board and that said board refused to pay him said fees and mileage; and such certificate shall be prima facie evidence of such facts in any action to recover said amount.

Section 1261-33.

License year.

SECTION 18. The license year shall begin on the fourth Monday of November and extend to the fourth Monday of November in the following year.

Section 1261-34.

To whom license shall not be granted.

SECTION 19. License shall not be granted to a person who is not a citizen of the United States or who is not of good moral character. Where a corporation or other association of persons is an applicant for license, such corporation or association shall designate a manager or managers of the place of business belonging to said corporation or association, who must be a citizen or citizens of the United States, residing in Ohio, and of good moral character.

If at any time a corporation or association shall come to be without a designated manager as provided for herein, the license of said corporation or association shall be suspended unless within ten days a new manager or managers are appointed; and if in such case no new manager is desig-

nated within thirty days after the original manager ceases to occupy the position, unless the time is extended by the county board, and if the said manager has not all the qualifications provided by law in the case of an individual applicant, the license may be revoked.

Minor.

License shall not be issued to a minor or to a person of unsound mind.

Applicant interested in other place.

License shall not be granted to any applicant who is in any way interested in the business conducted at any other place where intoxicating liquors are sold or kept for sale as a beverage, nor shall such license be granted unless the applicant or applicants are the only persons in any way pecuniarily interested in the business for which the license is sought, and no other person shall be in any way interested therein during the continuance of the license; if such interest of such person shall appear, the license shall be deemed revoked.

Non-resident.

No saloon license as hereinafter provided for shall be issued to any person who has not been a resident of Ohio for more than one year preceding the date of his application.

Limitation of location as to schools; exceptions.

No license shall be granted after August 1st, 1915, to operate a saloon within three hundred feet of any permanent public or parochial school building, measuring the distance in a straight line following the street from the nearest point of the premises on which such school building is located, nor two hundred feet in a straight line following the street from the nearest point of the premises. This provision shall not apply to a bona fide reputable hotel or club; or to a saloon located within three hundred feet of a school house in the central or a main business section of the city.

Section 1261-35. SECTION 20. Applicants for license to sell intoxicating liquors during any given license year shall file their applications with the county licensing board upon uniform blanks obtained from said county board and furnished to the latter by the state liquor licensing board. No applicant for a saloon license filed with the said county board before the first day of September preceding the said license year and after the fifteenth day of September preceding the said license year may be considered by the board until after the beginning of the said license year.

Time and place of filing applications.

Section 1261-36. SECTION 21. Each applicant shall state:

Statements to be made by applicant.

(a) His full name and address, or if more than one person, or if an association, the names of all the persons concerned, whether as partners or as members of said association, and the address of each person concerned, including the street and number; and if the applicant be a corporation, the application shall contain a complete list of the officers of the corporation, with their names and addresses, the state in which the corporation is organized, and the names of one or more persons whom the corporation desires to designate as its manager or managers, with their ad-

dresses. The stock journal of any corporation which is an applicant for license shall be open to the inspection of the county licensing board.

(b) The premises where the business of selling intoxicating liquors is to be carried on, including the street and number where there is such street or number.

(c) The fact that the applicant is not in any way interested either as owner or part owner in a business, or a stockholder of a corporation engaged in the business, conducted at any other place where intoxicating liquors are sold or kept for sale as a beverage.

(d) The age of the applicant or applicants, in the case of individuals, and the name of the manager in the case of a corporation, and the fact as to his, her or their citizenship.

(e) Whether applicant has had a previous license revoked or whether applicant has been a manager of a corporation which has had its license revoked.

(f) The name of the owner of the premises before mentioned and his residence.

(g) Whether the applicant has ever been engaged in the sale of intoxicating liquors, and when, where, and how long in each place, within five years then last past.

(h) Whether the applicant intends to sell liquor in quantities of less than two gallons; and if so, how long he has been a resident of Ohio.

There shall be attached to the application an affidavit made by the applicant or applicants, or if a corporation by one of its chief officers, certifying to the truth of the statement therein contained.

Section 1261-37. Wholesale and saloon licenses.

SECTION 22. Licenses shall be either wholesale license or saloon licenses. Under a wholesale license, intoxicating liquors may not be sold in smaller quantities than two gallons at one time of the same kind of liquor, and not to be consumed upon the premises. Under a saloon license intoxicating liquors may be sold in any quantity and consumed on or off the premises.

Section 1261-38. Posting of license; kinds of license certificates.

SECTION 23. Each licensee shall post in a conspicuous place within the enclosure or room where the liquors are sold the license certificate issued to him by the county board. License certificates shall be of two kinds, wholesale license certificates and saloon license certificates, and shall be in the form prescribed by the state board and shall be uniform for all counties, and shall specify the county and city or township, and the street and number wherein the license shall be good. Said license certificate shall be signed by the county license commissioners in each case.

Section 1261-39. Limitation as to number of saloons.

SECTION 24. Not more than one saloon shall be licensed in any township or municipality of less than five hundred population, nor more than one saloon for each five hundred population in other townships and municipalities.

When in any municipal corporation the qualified electors of such corporation, equal in number to thirty-five per

cent. of the total of votes cast therein at the last preceding general election for municipal officers, petition the legislative body thereof for an election to determine whether the number of saloon licenses shall be further limited, stating in said petition the number to which said licenses shall be limited, said legislative body shall order a special election, to be held at the usual places for holding elections therein, not less than twenty nor more than thirty days from the filing of said petition.

Petition for submission of question of further limitation.

Thereupon notice shall be given of such election, and it shall be conducted as provided by law for the election of members of the council of such municipal corporation as far as such law is applicable. The result of the election shall forthwith be entered upon the record of the proceedings of the council of the municipal corporation by the clerk thereof.

Notice of election.

The ballots at the said election shall be printed with an affirmative and a negative statement, to-wit: "The number of saloon licenses shall be further limited to..... (here state number) licenses," "The number of saloon licenses shall not be further limited," with a blank space on the left side of each statement in which to give elector an opportunity to clearly designate his choice by a cross mark as follows:

Form of ballot.

(.....) The number of saloon licenses shall be further limited to ..... (here state number) licenses.

(.....) The number of saloon licenses shall not be further limited.

If a majority of the votes cast at said election shall be in favor of a further limitation of the number, then, from and after the beginning of the next ensuing license year, the number of saloon licenses in said municipal corporation shall be limited to the number so voted upon; provided, however, that said election shall not be held unless said petition herein prescribed shall be filed with council before six months prior to the beginning of a license year; provided also that the limitation of number so voted upon shall remain the limitation of number for the next three license years only, at the end of which time the number of licenses shall be determined in the same manner as if no election had been held, unless, prior to six months before the expiration of said three license years, another petition is filed, in all respects in accordance herewith, and after election thereupon as provided herein it is again decided to limit the number for another three year term.

Regulations as to petitions for limitation.

Any qualified elector of a municipal corporation wherein such election has been held may contest the validity thereof by filing a petition duly verified with the common pleas court of the county in which such municipal corporation is situated, within ten days after the election, setting forth the grounds for contest. Such court shall require the person contesting the election to furnish sufficient security for costs before such petition is filed.

Contests; hearing.

Any judge of the common pleas court, upon the filing of such petition, shall forthwith cause a summons to be issued, addressed to the mayor of such municipal corporation, notifying him of the filing of the petition and directing him to appear in such court on behalf of the municipal corporation at the time named in the summons, which shall not be more than twenty days after such election nor less than five days after the filing of the petition. The common pleas court shall have final jurisdiction to hear and determine the merits of the proceedings and shall be governed by the law provided for contesting the election of a justice of the peace so far as such law is applicable.

Number of licenses that shall be granted.

The county board shall grant licenses to the full number allowed by the constitution if applications are made therefor, unless limited as herein provided, in which case up to the full number determined upon as herein provided. And any license, though it be temporarily suspended by action of the county board, shall be counted in the number allowed.

Section 1261-40.

Publication of notices of applications for license, transfer or removal.

SECTION 25. The county licensing board shall, without delay, cause to be published once in a newspaper of general circulation in the county notices of the application for license, transfer or removal filed hereunder. Where a daily newspaper is in general circulation in the county, the publication shall be in said daily newspaper. The said publication shall contain the name and address of the applicant, and shall indicate the place where the applicant expects to do business. The county board shall provide that publication of all the applications in hand at the time publication is made shall be massed together in one place in the newspaper aforesaid, and under a prominent heading.

Section 1261-41.

Marking and filing applications; fee.

SECTION 26. Application for license in proper form shall, upon their filing, be marked "Filed" by the secretary of the board, with the date of filing endorsed thereon, and the applicant or applicants shall thereupon be given a receipt for said application.

Every applicant shall pay to the county board, upon the filing of the application, the sum of five dollars, which amount shall be immediately transmitted to the state board.

Section 1261-42.

Protests, how made.

SECTION 27. Any citizen may register with the county board protests against the granting of licenses or in favor of the revocation of any license. Said protests shall set forth the facts upon which the complaint is based, and shall be signed and sworn to by the complainant or complainants.

Section 1261-43.

Announcement of names of those to whom licenses granted and those rejected.

SECTION 28. Not later than the fifth day of November, prior to the beginning of the license year, and in case of a license applied for after the beginning of the license year, ten days after said application, the board shall announce the names of those to whom said board proposes to grant licenses and the list of the applicants proposed to be rejected, and shall endorse upon the applications of the

applicants so rejected the reasons for the rejection. Where the number of applications is greater than the number of licenses allowed by law, the applicants who were engaged in the sale of intoxicating liquors prior to the fourth Monday of May, 1912 (or their bona fide successors in title), as evidenced by the payment of the assessment for the preceding period under section 6071 of the General Code, shall be preferred, provided they are otherwise qualified by law.

Who shall be preferred.

As soon as the names of those to whom licenses are proposed to be granted are announced such persons shall forthwith transmit to the secretary of the state liquor license board, at its office in Columbus, Ohio, a registration fee of one hundred dollars, which shall be exclusive of the assessment payable under section 6071 of the General Code. Upon receipt of such fee the secretary of the state board shall issue a receipt therefor to the applicant and shall notify the county board of the receipt thereof.

Fee to be sent to state license board.

ection 1261-44. SECTION 29. In all cases where an application is rejected, the applicant shall be given a hearing upon the announcement of the said rejection by the county board. The said rejected applicant shall upon the day of the rejection be notified by the secretary of the county board of the fact of rejection, and shall be given a list of the complaints, if any, made against him, her, it or them, with the names and addresses of the complainants. Said notification shall be in writing and shall specify the time for a hearing on the application so rejected, which shall take place at the office of the board not more than five days after notice is given.

Hearing upon rejection.

In all cases where a county board is about to consider a revocation of a license, the licensee shall be given a full hearing before action is taken, which hearing shall take place at the office of the board not less than one week after licensee is notified. The licensee shall at the time of the notice be given a list of the complaints, if any, made against him, with the names and addresses of the complainants. The said notice shall be in writing and shall specify the time of the hearing.

Hearing upon revocation.

Notices of hearing shall be by registered mail sent to the applicant or licensee at the address which he gives for that purpose, or served on him personally by an officer of the board, or both. The applicant or licensee in such cases shall have the right to be present at said hearing, either in person or by counsel. The municipal corporation by its mayor or township trustees, or the chief law officer thereof, respectively, as well as the prosecuting attorney of the county, shall also have the right to be present at such hearings, and notices shall be sent to the said officers at the same time notice is sent to the applicant or licensee. Either the applicant or licensee or his counsel or the officers of the county, city or township referred to may, subject to the rules of the board, be allowed to examine witnesses and address the board on the subject under consideration. Notices

Notices of hearing served.

Who have right to be present at hearing and served with notice.

of hearing shall also be given to complainants, if any, whose complaints are signed and duly sworn to, providing the complaints show the address with street and number of the complainants, which notice shall be sent at the same time notice is sent to the applicant or licensee; and if said complainants, in writing signed by majority of them and filed with the secretary of the board not less than five days prior to the day set for hearing, designate one attorney at law to represent them, the said attorney shall have the right to appear for said complainants before the board under such rules and regulations as the board may prescribe.

Power of board as to attendance of witnesses and production of testimony; contempt, fees.

The board shall have the right to issue subpoenas commanding the presence of witnesses, who may be ordered to bring with them any papers or books pertaining to the inquiry; and, subject to such rules and limitations as it may adopt, the board shall furthermore, on the request of the applicant, licensee, or of the officers before mentioned, or of the attorney designated by complainants as above provided for, summon witnesses to attend, with or without books or papers. No such applicant, licensee or designated attorney shall be permitted to call more than five witnesses to testify upon the question of character or reputation of any person whose character or reputation is the subject of inquiry before the board.

The failure of witnesses so summoned to attend or testify shall, upon certificate of the fact by the board to the common pleas court of the county wherein the default occurs, be acted upon by the said court as upon a proceeding in contempt, and the said court shall be empowered to make such orders as it is empowered to make with reference to contempt of its own authority.

The sheriff of any county shall serve the subpoenas provided for and such sheriff, as well as the witnesses, shall receive the same fees and mileage as are paid in civil cases in the common pleas court.

No witnesses subpoenaed at the instance of any person other than a member of the county liquor licensing board shall be entitled to compensation from the state for attendance or travel unless the said board shall certify that his testimony was material to the inquiry; but any person so called, and whose fees remain unpaid for the reason that the board refuses to certify that his testimony is material to the inquiry, shall have a cause of action against the person requesting that a subpoena be issued for him for the amount of witness fees and mileage to which he would have been entitled had the board deemed his testimony material; and the secretary of the county board shall issue to said witness a certificate stating who requested a subpoena for said witness, the amount of fees and mileage to which he would be entitled had his testimony been deemed material, the fact that said testimony was deemed immaterial to the board and that said board refused to pay him said fees and mileage; and such certificate shall be prima facie evidence of such facts in any action to recover said amount.

Section 1261-45. SECTION 30. At said hearing upon the deposit of such sum as the board may require, the said board shall, if requested at the beginning of the hearing by the applicant or licensee, or the attorney designated by complainants, heretofore provided for, preserve a record of the testimony with all the proceedings of the board therein. Such sum so deposited shall be transmitted to the state board in the same manner as the application fee heretofore provided.

When board shall preserve record of testimony.

Section 1261-46. SECTION 31. If after a hearing, the said board recalls its decision and grants the application, and in so doing rejects the application of another applicant whose name was contained in the announced list of applications proposed to be granted, the applicant thus alternately rejected shall be entitled to a hearing with all the privileges and under the same conditions mentioned in the foregoing sections. But all decisions as to the rejection of applicants who shall have applied prior to the beginning of the license year shall be final on the fourth Monday in November following, at which time the licenses allowed shall be issued; and in the case of applications filed within the year, said decisions shall be final twenty days after the application first rejected. In case a license shall not be issued to an applicant who has paid the registration fee, he shall be entitled, upon returning his receipt of such payment to the state board, to a refund of such money from said board.

Hearing of applicant alternately rejected.

When decisions shall be final.

Refunder.

In case the board recalls its decision and grants an application theretofore rejected, such applicant, upon notice thereof, shall forthwith transmit to the secretary of the state board the registration fee of one hundred dollars hereinbefore provided for.

No certificate for a license shall be delivered to an applicant whose license is allowed until such applicant delivers to the secretary of the county board, to be retained by him, the receipt of the state board that the registration fee has been paid.

When certificate for license shall be delivered.

If an applicant to whom a license has been allowed and is ready to be issued fails, within ten days, to apply for his license and to produce the receipt from the state board that the registration fee has been paid, the secretary of the county board shall notify the said applicant that his license certificate is ready, and if, within five days after the receipt of such notice, the applicant does not apply for such license certificate the board may grant a license to some other applicant.

Section 1261-47. SECTION 32. On the expiration of each of said licenses (all of which shall expire on the fourth Monday in November of each year) the said license shall be renewed upon the application of the license, subject to the same conditions, qualifications and limitations applying to a new applicant for license, and upon payment of the registration fee of one hundred dollars as provided for original applicants; and no applicant for a renewal of license shall be refused a license unless the said applicant has not met the qualifications required by law. And whenever the sale of

Renewals, when and how granted.

intoxicating liquors is prohibited in any district of a municipal corporation by any local option law, any licensee thereby prevented from carrying on said business within the said district shall, on application, be permitted to change his location to some other district in said municipal corporation.

Change of location permitted, when.

Section 1261-48. SECTION 33. In case of applications for renewal after the first license year, applicants whose applications are rejected must be notified thereof and of the hearing thereupon not later than the first day of November preceding the year for which the renewal is applied for.

Notice to rejected applicants of hearing for renewals.

Section 1261-49. SECTION 34. If any licensee within the jurisdiction of a county licensing board has been once convicted during the license year of an offense under laws or ordinances concerning the sale of intoxicating liquors, and if said board with due notice to the licensee and after a full hearing granted to him finds that the said licensee has, during said license year and after said conviction, violated the said laws or ordinances, the said board may suspend the license of the said licensee once for a period not to exceed ten days.

Duty of board relative to licensee convicted of violations; first offense; second offense.

If, after such conviction and suspension, offenses are, during the said license year, again repeated, the said board may, with due personal notice to the licensee, served not less than five days before the hearing, and after a full hearing granted to said licensee, revoke the said license of said licensee; and notice of such revocation shall forthwith be served upon the person whose license is so revoked.

Upon a conviction under said laws and ordinances as for a second offense as provided for in section 54 hereinafter the county board may, if error proceedings are taken to the judgment of the court in which conviction is had, suspend the license of the licensee so convicted for the remainder of the license year. Should, however, the judgment of conviction be reversed prior to the termination of said license year then such suspension shall immediately terminate. During such suspension no new license shall be granted to take the place of the license so suspended.

Section 1261-50. SECTION 35. Upon the application of any licensee who desires to sell or transfer his business to another, joined with the application of the latter, and upon the payment of a fee of fifty dollars the county licensing board shall, unless the proposed purchaser or transferee shall not have the qualifications required by law of a licensee, endorse upon the license certificate of the original applicant the words: "Transferred to .....," inserting the name of the transferee with the date; and the person to whom the said license is transferred shall hold the license for the remainder of the said license year, and shall have all the privileges and obligations of the original licensee under the license. The said fee so paid to the county licensing board shall be immediately transmitted to the secretary of the state board, in the same manner as application fees heretofore provided for herein, together with a report of the transfer thereof.

Transfer; fee.

Statement of facts by transferee.

The said transferee must, however, in the application for transfer, set forth all the facts required to be set forth by an original applicant. The said transferee shall be in all respects qualified by law as is an original applicant.

Before transfer shall be allowed the applicant must first have presented to the board a sworn statement showing the list of his unsecured creditors, together with their address and the amounts owing. Said statement must also set forth that each one of said creditors has been notified of the application, personally or by registered mail, at least ten days before the application is made. If thereupon complaints are made by the said creditors against the transfer the board shall grant a hearing, after due notice to the applicant as well as to the creditors complaining, and if in the judgment of the board the applicant is intending to avoid the payment of his just debts transfer may be refused.

Section 1261-51.

Consent must be obtained before removal; endorsement.

SECTION 36. No licensee under a saloon license shall, during the then current year, remove his place of business to a place other than that set forth in the application upon which the license was granted, without the consent of the county board. If any such licensee so removes his place of business without said consent endorsed upon his license certificate, the license may be revoked by the board.

Upon the application of any licensee who desires to remove during the license year then current, to a location other than that named in the original application, the said board shall, if satisfied with the change of location, endorse upon the license certificate of the applicant the fact of said change of location, and said license shall thereupon be good in said location but shall cease to have force in the old location.

Section 1261-52.

Procedure on death of licensee, partner or associate.

SECTION 37. Upon the death of a licensee or of any person who has an interest in a license, such as a partner or member of an association of persons or otherwise, the interest of the decedent shall be disposed of by the administrator or the executor under the direction of the probate court without delay. The surviving member or partner, members or partners (or if there be no survivors in interest then the relict of the deceased, or if there be no relict then the child or children), paying to the said administrator or executor such an amount and upon such terms as the court may direct, shall have the right to assume the interest of said decedent providing that notice is given of such intention to the probate court within thirty days after the death of the decedent. If a license or an interest therein shall pass by descent or otherwise to one who cannot qualify under the law as licensee, or if the survivor or relict or child or children, as the case may be, shall not in the time prescribed elect to assume said decedent's interest in the license, or if said survivor or relict or child or children, as the case may be, does not comply with the terms fixed by the court, the probate court shall order the license as a whole sold, without delay but after proper notice given

by publication, and shall order the proceeds distributed to the survivors in the ownership of the license, if there be such, and the executor or administrator of the decedent, according as their interest may appear, providing, however, that the purchaser of the license shall be duly qualified under the law, and provided further that the said purchaser shall have filed the application required by law of an original applicant for a license.

If all the conditions have been complied with, and if the applicant is qualified by law, the county licensing board shall, upon proper certificate from the probate court and without fee, transfer the license to the purchaser thereof for the remainder of the license year. The said purchaser shall have all the rights and obligations of the original licensee under said license.

Continuance of business pending settlement.

Pending the settlement in the probate court, the executor or administrator may continue the business upon notice to the county licensing board that such is his intention, but within three days said executor or administrator must file an application in all respects as is required of an original applicant, except that no fees shall be required. And if said executor or administrator does not possess the qualifications required by law, the probate court may appoint some person who has such qualifications to serve as trustee of the license pending said settlement. If there are survivors in interest in the license, said survivors shall have the privilege of continuing said business until the settlement in the probate court has been effected.

In case the survivor continues in temporary charge of the business, or in case the executor or administrator continues the business, accountings shall be made to the probate court of the business done in the interim, and distribution shall be made to the decedent's estate and to the survivors in interest, as the law and justice shall require.

If a guardian or a receiver or other officer of a court shall be appointed for a licensee or for one holding an interest in a license, or if in any way a licensee's business shall come under the control of any court in the state, the said license or interest therein shall be treated by the court as personal property and the purchaser at any sale shall have all the privileges and duties of a purchaser in the case of the death of a licensee, as provided for herein.

Appraisement of license and property interests; sale, distribution.

In all cases the court shall, before ordering a sale or an assumption of a license, appoint three appraisers to appraise said license and the interest of the licensee therein, which said appraisers shall be sworn to appraise said interest according to its true value. Any creditor of the deceased or of the owners of the license shall have all rights with reference to the appraisement or sale and the distribution of the assets as any creditor has with reference to any personal property left by any decedent. No license shall be sold or assumed for a sum less than two-thirds of the appraisement. When the articles of partnership in force at the death of a partner, or when the will of a de-

ceased licensee or co-licensee provides for a different mode of settlement of the deceased person's interest from that provided for herein or dispenses with appraisement and sale, or either, then the interest of the deceased shall be settled in accordance with said articles or said will, and appraisement or sale may be dispensed with providing the disposition is otherwise in accordance with law.

So far as applicable, and so far as is not inconsistent herewith, the laws of Ohio concerning the disposition of the personal estate of a deceased person shall be applied.

Section 1261-53. SECTION 38. There shall be an appeal by an applicant or licensee to the state board from all final decisions of any county board, except in cases of suspension under section 34 of this act and also except in cases of rejection of any application for a saloon license. There shall also be an appeal in cases of such rejection where: Cases in which appeal may be taken.

1. The number of saloon licenses is limited and where in any subdivision of the state a county licensing board has not granted saloon licenses to the full number allowed by said limitation.

2. In all cases of rejection by the board of an application for transfer of licenses to others, and for removal of location.

3. In all cases where the county board has rejected an application to renew a license, or an application for a transfer of a license by one who has purchased a license at court sale, or under the terms of a will or contract of a licensee since deceased.

Section 1261-54. SECTION 39. In all cases where appeal to the state board is provided, the county board shall, within five days after personal notice of its final action to the applicant or licensee, cause to be prepared a complete and true record of the proceedings, providing the applicant or licensee shall have requested the same within one day after the receipt of such notice, and shall have paid to the board the amount estimated by the board to be necessary to cover the cost of the same, which amount shall be immediately transmitted to the secretary of the state board as provided herein for transmission of other fees paid to the county board. The said record shall thereupon be transmitted by the board forthwith to the state liquor licensing board. Complete record of proceedings shall be furnished appellant.

Section 1261-55. SECTION 40. The applicant or licensee whose case is appealable as provided in section 38 herein, shall thereupon have the right of appeal to the state board and shall file a petition to the state board, setting forth briefly the merits of the case within five days after the receipt of notice of the final action on his or its case by the county board. A hearing shall thereupon be granted to the appellant within thirty days after the appeal is filed upon the record transmitted by the county board to the state board, and at least one week's notice shall be given to the appellant as well as to the designated attorney of complainants and the county board of the time and place of the hearing, at which hearing the appellant as well as the county board shall Petition; hearing.

have the right to be present in person as well as by designated representatives; and at which hearing the designated attorney of complainants shall also have the right to be present; and in the case of the county board, the prosecutor of the county shall, upon request of the county licensing board, represent the state at the hearing.

Finding and order.

If upon the said hearing and the examination of said record the state board shall decide that the finding of the county board was erroneous, the said state board shall reverse the action of the said county board and shall order the county board to make the finding in accordance with the conclusions of the state board. Whereupon the said county board shall grant to the said appellant the said license, or shall reinstate the said licensee, or shall make the transfer, or shall do the thing required by the state board upon said record. And in the case of a decision of the county board rejecting an application for renewal, or where through any action of the county board a license is revoked, and where an appeal is taken within the time allowed by law, no license shall be issued to take the place of the license failed to be renewed or of the license revoked unless the action of the county board is affirmed.

The filing of a petition on appeal, as provided for herein, with the state board, from any action of the county board, shall have the effect of suspending the operation of such action until and unless the state board affirms the action of the county board thereon.

Section 1261-56.

County board abolished, when.

SECTION 41. If an election shall have been held in any county whereby the sale of liquor throughout the county is prohibited by law, the office of the county licensing board shall thereby be abolished within one month after the said prohibition shall take effect. The county board shall proceed to wind up its business and close its office. The commissioners, officers, clerks and assistants shall be entitled to one full month's compensation after the date upon which the prohibition in the said county becomes operative therein. Should the said county embrace within its territory part of a municipal corporation wherein the sale of intoxicating liquors is not prohibited by law throughout such municipal corporation, and should said county having so voted contain the largest number of qualified voters within said municipal corporation then immediately upon the ascertainment of the result of said county election the powers and duties theretofore, devolving upon the county board in the county wherein said county election shall have been held, shall thereupon be transferred and devolved, so far as said municipal corporation is concerned, upon the board of that county wherein the sale of intoxicating liquors is not prohibited throughout the county which contains the largest number of qualified voters residing in the said municipal corporation.

And if by the operation of the law the sale of liquor shall again become lawful in a county after a period of prohibition of the sale, the state licensing board shall forth-

with appoint a county licensing board in all respects in accordance with the provisions laid down above for the appointment of licensing boards in counties where the sale of liquors is not prohibited, except that such appointment shall date from the date upon which the sale of liquor becomes lawful in said county; the term of one of such commissioners so appointed shall be until the second Wednesday in August in the next following odd numbered year, and the term of the other of such commissioners shall terminate two years thereafter. Such commissioners so appointed shall receive applications for license in the same manner and subject to all of the provisions and restrictions contained herein applying to original applications for license after the beginning of a license year, so far as applicable, the said license to date from twenty days after the appointment of the board and to extend the remainder of the license year.

Appointment of county board when sale of liquor becomes lawful.

Biennially after the termination of the term of the first commissioner appointed hereunder the state liquor licensing board shall appoint to such county board one commissioner to hold for four years, and until his successor is appointed and qualified.

And in case an election in any subdivision of the state less than a county has been held whereby after a period of prohibition the sale of liquors in said subdivision is again made lawful, the county licensing board shall receive applications and shall grant licenses for such subdivision, and applicants shall be governed by all of the provisions relating to an original application made where the sale is not prohibited preceding the beginning of a license year as far as the same may be applicable, the said licenses to date from twenty days after the date when the sale of liquors again becomes lawful in said subdivision and to extend the remainder of the license year.

Exercise of powers in subdivision less than county when sale of liquor is lawful therein.

Section 1261-57. SECTION 42. If at any time a licensee holding a saloon license elects to surrender the license to the county board the said board may thereupon issue another license in place of the license so surrendered, and the failure of any saloon licensee to conduct and operate a saloon under his saloon license for any period of thirty days, unless upon application further extension is granted by the county board, shall be deemed an election on the part of said licensee to surrender his said license, and the board may, after five days' notice to the licensee of its intention so to do, proceed to issue another saloon license in place of the license so surrendered.

Board may issue a license in place of one surrendered.

Section 1261-58. SECTION 43. If the number of saloon licenses granted in any township or municipal corporation does not reach the number allowed by law in said political subdivision, and in any event in the case of wholesale licenses, the county licensing board shall at any time during the year receive applications and grant licenses for the remainder of the license year subject to all the provisions provided for herein with reference to the applying for and granting of license

Board shall receive applications and grant license in subdivision where number is less than allowed by law.

preceding the beginning of a license year, so far as the same are applicable.

Section 1261-59. Board shall be governed by any official census.

SECTION 44. In determining the maximum number of licenses which shall be granted in any municipal corporation or township of the state, the license commissioners shall be governed in determining the population of said political subdivision by any official census which shall have been taken therein within the year next preceding that for which licenses shall be granted. If no such official census of the population has been taken, the board shall be governed by the latest estimates of the United States census bureau.

How population of subdivision determined which is summer resort.

To determine the population of any municipality or township, which is a bona fide summer resort containing less than five thousand permanent residents according to the last preceding federal census, the county board may include as part of the population the average increased population during the summer months between the fifteenth day of June and the fifteenth day of September, providing that such average increase amounts to one thousand per day or more. The county board shall determine what is the average increase for such summer resort during the months herein mentioned, and the method outlined for determining such population as well as the result of such action shall be subject to the approval of the state board.

Section 1261-60. Books, records, etc., open to public inspection.

SECTION 45. The books, records, and files of the state board, as well as of any county board, shall be open to the public for inspection at any time during the office hours of the said respective boards.

Section 1261-61. Fees and moneys paid to state board credited to "State Liquor License Fund."

SECTION 46. All fees and other moneys received by the state board shall be paid to and accounted for by the secretary, and by him paid into the state treasury, daily, to the credit of a special fund for the use of said board to be known as the "State Liquor License Fund." A detailed verified statement of such receipts shall be filed with the auditor of state at the time of making such deposit.

Expenses, how paid.

All expenses of the state board, including salaries, and all expenses, including salaries, certified by the various county boards to the state board, and approved by the state board, shall be paid by the treasurer of state on warrant of the auditor of state. Before the auditor of state shall issue his warrant a voucher, signed by at least two members of the state board, with a detailed statement attached thereto, shall be filed with the auditor of state.

How sum may be transferred to general fund of state.

At any time it is deemed advisable, by the unanimous vote of the state liquor licensing board and subject to the approval of the governor, said board may certify to the auditor of state and the treasurer of state whatever sum said state board may fix, as aforesaid, as being unnecessary for the use of the board, and upon receipt of such certificate said sum as in said certificate indicated shall be transferred from said state liquor license fund to the general fund of the state.

Quarterly report to governor.

The state liquor licensing board shall make a quarterly report to the governor of all its finacial transactions, and

at least once a year, or oftener if ordered by the governor, the books, accounts and financial transactions of said board shall be thoroughly and critically inspected and examined by the department of the auditor of state, which department is hereby authorized so to do.

Section 1261-62. SECTION 47. Within thirty days after the expiration of each license year, and at such other times as the state board may require, each county licensing board shall make a report to the state licensing board, setting forth the number of licenses granted, transferred, suspended or revoked, upon forms furnished the said boards by the state board, and shall transmit to said state board all information and data that may be required by said state board.

Annual report of county to state licensing board.

The state liquor licensing board shall annually make a report to the governor not later than three (3) months after the expiration of each license year, embodying all the transactions of said board, and containing such data and conclusions as may by the board seem wise.

Annual report to governor.

Section 1261-63. SECTION 48. Whoever sells intoxicating liquors without having been duly licensed as provided herein shall be guilty of a misdemeanor, and shall be fined not less than two hundred dollars nor more than five hundred dollars for the first offense and for a second or subsequent offense, not less than five hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for a period of not less than one month nor more than three months, or both.

Penalty for selling without license.

Sales of intoxicating liquor by other than dealers therein, in quantities of forty gallons or more, where said liquors are taken by way of payment of a debt or by way of collateral security on a loan, or are acquired for investment solely and sold en bloc, and sales under provisions of law requiring an executor, administrator, guardian, receiver or other officer of the court to sell, where such sales are made of a stock of liquors en bloc, or a sale by a person, firm or corporation previously licensed but whose license is not renewed, or is revoked, forfeited, surrendered or otherwise lost, where such sales are made of a stock of liquors en bloc, are not included within the meaning of this section. Nor shall this section include the manufacturer of native wine, cider or other intoxicating liquors from the raw material and the sale thereof by the manufacturer in quantities of one gallon or more at one time at the factory or the sale thereof in said quantities by the manufacturer from the wagon or other vehicle of said manufacturer to the holder of a liquor license, or in said quantities to individual consumers where said liquors are delivered to the homes of said individual consumers in territory wherein the sale of intoxicating liquors is not prohibited by law. Nor shall this section include the sales made by a registered pharmacist upon a prescription issued in good faith by a reputable physician in active practice, or for exclusively

Exceptions.

known mechanical, pharmaceutical or sacramental purposes.

Section 1261-64. Selling in quantities less than two gallons, without saloon license.

SECTION 49. Whoever, whether licensed or not, sells intoxicating liquors in a quantity of less than two gallons, as provided therein, and who does not hold a saloon license, shall be guilty of the offense of selling liquor without a license, and shall be fined or imprisoned as provided for in section 48 herein, except that this section shall exclude from its operation the same class of persons and dealers as are excluded in said section 48.

Section 1261-65. Employing person whose license has been revoked or refused.

SECTION 50. Whoever being a licensee of a saloon license knowingly employs or keeps in his employ a person who has been a licensee in this state and whose license has been revoked, or who knowingly employs or keeps in his employ any person who has been a licensee in this state and who has been refused a renewal of a saloon license in this state because he was not of good moral character, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than twenty-five dollars.

Section 1261-66. Failing to keep posted certificate of license.

SECTION 51. Any licensee who knowingly fails or neglects to keep conspicuously posted at all times within the enclosure or room wherein is conducted the business of trafficking in intoxicating liquors the license certificate required under this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding twenty-five dollars.

Section 1261-67. Purchasing by minor by misrepresentation or concealment of age.

SECTION 52. Whoever, being a minor over seventeen years of age, shall, misrepresenting his age, purchase or attempt to purchase intoxicating liquors contrary to law, or by concealing his true age shall induce any person, firm or corporation to sell or furnish to him intoxicating liquors contrary to law, shall be guilty of a misdemeanor and shall be fined for the first offense not less than one dollar or more than ten dollars; and for the second or subsequent offenses shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned in the county jail not less than ten days, nor more than thirty days, or both. And whoever, being a licensee, sells intoxicating liquor to a minor or allows a minor to play cards or any game of amusement, or to loaf in such saloon, or whoever, knowing that a person is a minor, induces any person, firm or corporation to sell or furnish intoxicating liquors to such minor contrary to law, shall be guilty of a misdemeanor, and for the first offense shall be fined not less than twenty-five dollars nor more than one hundred dollars, and for the second or subsequent offenses shall be fined not less than one hundred dollars or more than five hundred dollars, or shall be imprisoned in the county jail for not less than ten days nor more than six months, or both.

Selling to known minor or permitting to play at games.

Section 1261-68. Affidavit, warrant, summons, service, answer.

SECTION 53. When an affidavit is filed and a warrant issued against a corporation for a violation of any section of this act a summons shall be issued, directed to a sheriff

or constable, commanding him to notify the accused thereof and returnable on or before the 10th day after its date. The summons, together with a copy of the warrant, shall be served and returned in the same manner provided for the service of summons upon corporations in civil cases. On or before the return day the corporation may, by one of its officers or by counsel, answer the summons by motion, demurrer or plea; but upon failure to make appearance and answer, a plea of not guilty shall be entered. Upon such appearance or plea the corporation shall be deemed present in court until the cause is finally disposed of.

Section 1261-69. SECTION 54. At all trials for offenses under laws or ordinances regulating the sale or traffic in intoxicating liquors the court shall, notwithstanding section 13435 of the General Code, and before the trial, take testimony to determine whether or not the defendant is a licensee or the agent or employe of a licensee, and if it appears that such defendant is a licensee or the agent or employe of a licensee, whether such licensee or agent or employe of a licensee has in fact been convicted of a previous offense under said laws or ordinances; and if the fact be that said licensee or said agent or employe has suffered a previous conviction under any of said laws or ordinances, or that a conviction in the case pending will work a revocation of a liquor license granted in this state, the said licensee or said agent or employe shall be entitled to a trial by jury. And, if the trial is before a tribunal other than the common pleas court, the jury shall be selected as is provided in chapter III, title II, part 4 of the General Code. **Trial.**

Section 1261-70. SECTION 55. After judgment upon a conviction in a court inferior to the common pleas court for any second offense as referred to in the foregoing section the defendant shall be entitled to a review of said conviction, judgment or any final order of the court as is provided by law in other criminal cases, and shall be entitled to file a petition in error in the common pleas court without the necessity of obtaining any leave therefor or of giving any notice thereof. **Petition in error in cases of second offense.**

Upon the defendant giving written notice of his intention to file a petition in error and the giving of a bond in an amount to the satisfaction of the court, conditioned that said defendant shall prosecute his petition in error to effect and that he shall surrender himself to the custody of the sheriff of the county in case the said judgment against him is not reversed or a new trial ordered, the mayor, justice or other judicial officer shall suspend execution of the judgment or sentence for thirty days to give the defendant opportunity to prepare and present his bill of exceptions within the ten days as provided in section 10360 of the General Code and to file his petition in error. **Procedure in error.**

If within thirty days after sentence the defendant files his petition in error in the common pleas court said court,

or any judge thereof, shall upon request and the giving of a bond in an amount to the satisfaction of the clerk of said court, conditioned that the plaintiff in error shall prosecute his petition in error to effect and that he shall surrender himself to the custody of the sheriff of the county in case the judgment against him is not reversed or a new trial ordered, further suspend execution of sentence pending the proceedings in error, and said cause shall be for hearing in said court as in other cases.

In case the common pleas court affirms the judgment of the inferior court, the judgment or any final order of said common pleas court shall be reviewable, and no leave or notice shall be necessary to file a petition in error therefor.

After judgment upon a conviction for a second offense as referred to in the foregoing section in the court of common pleas, the defendant shall be entitled to a review of said conviction, judgment or any final order of said court, as provided by law in other criminal cases, and shall be entitled to file a petition in error in the court of appeals without the necessity of obtaining any leave therefor or of giving any notice thereof.

Either in the event that the conviction for any second offense as referred to in the foregoing section was in a court inferior to the common pleas and the common pleas court affirms the judgment of the inferior court, or, if said conviction of said second offense as aforesaid was in the common pleas court in the first instance, the common pleas court, upon the filing of a notice of the intention of the party to file a petition in error in the court of appeals, after first requiring a bond to its satisfaction, conditioned as in this section heretofore provided to be entered into, shall suspend the further execution of the sentence for thirty days in order to allow a petition in error to be filed in the court of appeals, and when said petition in error is filed in said court of appeals, upon the giving of a like bond, said court of appeals shall further suspend the execution of sentence pending the hearing of said cause in said court.

Section 1261-71. Licensee shall not be held to answer for offense, where.

SECTION 56. No licensee, agent or employe of a licensee shall be held to answer for an offense under any laws or ordinances regulating the sale or traffic in intoxicating liquors before any probate court; or before any judicial officer whose court is held without the confines of the municipal corporation or township within which the offense is alleged to have been committed, except a judge of the common pleas court. Nor shall any judicial officer hold court or exercise jurisdiction in any such case in or for the territory outside the limits of the political subdivision for which he was elected or appointed and wherein he resides. All affidavits, information or indictments, or other forms of prosecution charging any offense under said laws or ordinances shall state the municipal corporation or township within which the offense is alleged to have been committed.

Nothing in this section shall be construed to amend, repeal or affect in any manner any law providing for the enforcement of local option laws prohibiting the sale or traffic in intoxicating liquors as a beverage or jurisdiction of any officer in enforcing such laws. Local option laws not repealed.

Section 1261-72. SECTION 57. It shall be the duty of the clerk of every court in this state, and every mayor, justice of the peace and judge of a court having no clerk to notify the state board of any conviction of any licensee before said court of an offense under the laws relating to the sale of intoxicating liquors, or of a felony, and the state board shall forthwith notify every county board of that fact. Notice to state board of conviction of licensee.

Section 1261-73. SECTION 58. If at the time of conviction for any offense under the laws or ordinances regulating the traffic in intoxicating liquors, the fact shall be that an offense has been committed under said laws or ordinances by the licensee prior to the time of the service of the warrant of arrest, prosecution upon said other offenses shall be barred. When prosecution upon other offenses barred.

If any licensee is more than once convicted for a violation of the laws in force to regulate the traffic in intoxicating liquors, his license shall be deemed revoked and no license shall thereafter be granted to him. When license revoked.

SECTION 59. Section 6071 of the General Code shall be amended to read as follows:

Sec. 6071. "Upon the business of trafficking in spirituous, vinous, malt or other intoxicating liquors, there shall be assessed yearly and paid into the county treasury, as provided by sections 6072, and following, of the General Code, by each person, corporation, or co-partnership engaged therein the sum of one thousand dollars." Annual assessment on liquor business.

SECTION 60. Section 6065 of the General Code shall be amended to read as follows:

Sec. 6065. The phrase "trafficking in intoxicating liquor," as used in this chapter and in the penal statutes of this state, means the buying or procuring and selling of intoxicating liquor otherwise than upon a prescription issued in good faith by a reputable physician in active practice, or for exclusively known mechanical, pharmaceutical or sacramental purposes. Such phrase does not include the manufacture of intoxicating liquors from the raw material, and the sale thereof by the manufacturer thereof in quantities of one gallon or more at one time at the manufactory or the sale thereof in said quantities from the wagon or other vehicle of the manufacturer to the holder of a liquor license or in said quantities to individual consumers where said liquors are delivered to the homes of said individual consumers in territory wherein the sale of intoxicating liquors is not prohibited by law. Meaning of phrase "trafficking in intoxicating liquors."

SECTION 61. Section 6065 and section 6071 of the General Code be, and the same are hereby repealed.

SECTION 62. If a referendum petition is not filed in reference to this act, this act shall be in force on and after When this act and the penal sections thereof shall take effect.

the first day of August, 1913, except the penal sections, which shall be in force on and after the fourth Monday in November, 1913.

If a referendum petition is filed as to this act and this act is approved by the electors of this state in accordance with article 2 of the constitution as amended September 3, 1912, then this act shall be in force on and after the first day of January, 1914, except the penal sections which shall be in effect on and after the fourth Monday in May, 1914; and the words "from the first Monday in August, 1913," occurring in the second paragraph of section 1 of this act, shall be read "from the second Tuesday in January, 1914;" and the words "beginning on the first Monday in August, 1915," occurring in the third paragraph of said section 1, shall be read "beginning on the second Tuesday in January, 1916;" and the words "on the first Tuesday after the first Monday in August beginning with the year 1913," occurring in the first paragraph of section 4 of this act, shall be read "on the third Tuesday in January beginning with the year 1914;" and the words "from the second Wednesday in August, 1913," occurring twice in the third paragraph of section 7 hereof, shall each be read "from the first Tuesday in February, 1914;" and the words "beginning with the second Wednesday in August, 1915," occurring in the fourth paragraph of said section 7, shall be read "beginning with the first Tuesday in February, 1916;" and the words "on the fourth Monday of November and extend to the fourth Monday of November" occurring in section 18 of this act, shall be read "on the fourth Monday of May and extend to the fourth Monday of May;" and the words "before the first day of September preceding the said license year and after the fifteenth day of September preceding the said license year," occurring in section 20 of this act, shall be read "before the first day of March preceding the said license year and after the fifteenth day of March preceding the said license year;" and the words "not later than the fifth of November, prior to the beginning of the license year" occurring in the first paragraph of section 28 of this act, shall be read "not later than the fifth day of May, prior to the beginning of the license year;" and the words "on the fourth Monday in November following" occurring in the first paragraph of section 31 of this act shall be read "on the fourth Monday in May following;" and the words "all of which shall expire on the fourth Monday in November of each year," occurring in section 32 of this act, shall be read "all of which shall expire on the fourth Monday of May of each year;" and the words "not later than the first day of November" occurring in section 33 of this act, shall be read "not later than the first day of May;" and the words "until the second Wednesday in August in the next following odd numbered year" occurring in the second paragraph of section 41 of this act shall be read "until the first

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

Tuesday in February in the next following even numbered year."

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
108 G.

[Senate Bill No. 58.]

AN ACT

To supplement section 4867 of the General Code by the addition of a section to be known as section 4867-1, and to amend section 5061 of the General Code, relating to qualifications and challenge of persons applying to vote.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4867 of the General Code be supplemented and section 5061 of the General Code be amended as follows:

Sec. 4867-1. No person who comes into a county for the purpose merely of attending a school, academy, college, university, or other institution of learning, and who is in such county merely for such purpose, and who does not intend to reside in the county to which he came when he ceased attending such school, academy, college, university, or other institution of learning, shall be permitted to vote in such county at any election held therein in this state or a political subdivision thereof.

Person attending a school and not a resident of county not permitted to vote therein.

Sec. 5061. If a person offering to vote is challenged as unqualified, one of the judges shall tender him the following oath: "You do swear or affirm that you will fully and truly answer all questions put to you, touching your place of residence and qualifications as to an elector at this election."

Challenge; oath.

First.—If the person is challenged as unqualified on the ground that he is not a citizen, the judges or one of them shall put the following questions:

1. Are you a citizen of the United States?
2. Are you a native or naturalized citizen?

Questions.

If the person offering to vote claims to be a naturalized citizen of the United States, he shall, before his vote is received, produce for the inspection of the judges of elections a certificate of his naturalization, and also under oath that he is the identical person named therein. The production of the certificate shall be dispensed with if the person offering to vote states under oath when and where he was

naturalized, that he has had a certificate of his naturalization, and that, against his will, it is lost, destroyed or beyond his power to produce to the judges of elections, or if he states under oath that by reason of the naturalization of his parents or one of them he has become a citizen of the United States, and when or where his parent or parents were naturalized, the certificate of naturalization need not be produced.

Second.—If the person is challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election, the judges or one of them shall put the following questions:

1. Have you resided in this state for one year immediately preceding this election?

2. Have you been absent from this state within the year immediately preceding this election? If yes, then—

3. When you left this state, did you leave for a temporary purpose with the design of returning, or for the purpose of remaining away?

4. Did you, while absent, look upon and regard this state as your home?

5. Did you, while absent, vote in any other state?

Third.—If the person is challenged as unqualified on the ground that he is not a resident of the county or precinct where he offers to vote, the judges or one of them shall put the following questions:

1. Have you resided in this county for thirty days last past?

2. Have you resided in this precinct for twenty days last past?

3. When did you last come into this county?

4. When you came into this county, did you come for a temporary purpose merely, or for the purpose of making it your home?

5. Did you come into this county for the purpose of voting in this county?

6. Are you now an actual resident of this precinct?

7. Have you a family? If so, where does your family reside?

8. When you came into this county did you come for the purpose merely to attend a school, academy, college, university or other institution of learning?

9. Do you intend to reside in this county when you shall have ceased attending such school, academy, college, university or other institution of learning?

Fourth.—If the person is challenged as unqualified on the ground that he is not twenty-one years of age, the judges or one of them shall put the following question:

Are you twenty-one years of age to the best of your knowledge and belief?

Other questions.

The judges of election or one of them shall put such other questions to the person challenged under respective heads herein designated, as may be necessary to test his qualifications as to an elector at the election.

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TIMOTHY S.
HOGAN,
ttorney
General.

SECTION 2. That original section 5061 be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
109 G.

[Senate Bill No. 93.]

AN ACT

To amend section 1902 of the General Code, relative to commitments to the institutions for feeble minded youth.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1902 of the General Code be amended to read as follows:

Sec. 1902. Feeble minded persons of such inoffensive habits as to make them proper subjects for classification and discipline in the institution may be admitted, on pursuing the same course of legal commitment as governs admission to the state hospital for the insane.

Admission of feeble-minded persons.

The sectional numbering herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said section 1902 of the General Code be, and the same is, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 14th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
110 G.

[Senate Bill No. 265.]

AN ACT

To amend section 10798 of the General Code, relative to the oath of appraisers of real estate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10798 of the General Code be amended to read as follows:

Appraisers may be sworn by whom.

Sec. 10798. The appraisers shall be sworn by some officer authorized to administer oaths, and a certificate thereof inserted in or annexed to their return. In the absence of such officer the administrator or executor may administer the oath. Afterward, upon actual view, they must perform the duties required of them by the order of the court, and make return of their proceedings to it in writing.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 10798 of the General Code be, and the same is hereby repealed.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
111 G.

[Senate Bill No. 256.]

AN ACT

To amend section 274 of the General Code, relating to the further extension of the bureau of inspection and supervision of public offices.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 274 of the General Code be amended so as to read as follows:

Bureau of inspection and supervision.

Sec. 274. There shall be a bureau of inspection and supervision of public offices in the department of auditor of state which shall have power as hereinafter provided in sections two hundred seventy-five to two hundred eighty-nine, inclusive, to inspect and supervise the accounts and reports of all state offices, including every state educational, benevolent, penal and reformatory institution, public institution and the offices of each taxing district or public institution in the state of Ohio. Said bureau shall have the power to examine the accounts of every private institution, association, board or corporation receiving public money for its use and purpose, and may require of them annual reports in such form as it may prescribe. The expense of such examination shall be borne by the taxing district providing such public money. By virtue of his office the auditor of state shall be chief inspector and supervisor of public offices, and as such appoint not exceeding three deputy inspectors and supervisors, and a clerk. No more than two deputy inspectors and supervisors shall belong to the same political party.

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ode.
IMOTHY S.
HOGAN,
ttorney
General.

SECTION 2. That said original section 274 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
112 G.

[House Bill No. 556.]

AN ACT

To provide for the appointment of a commission to acquire a site, and to prepare and adopt plans for the erection thereon of a new penitentiary.

Be it enacted by the General Assembly of the State of Ohio:

Ohio penitentiary commission.

SECTION 1. There is hereby created the Ohio penitentiary commission, to be composed of four members, to be appointed by the governor within thirty days after this act goes into effect. The members of said commission shall serve without compensation and be removable at any time at the pleasure of the governor.

Chairman and secretary.

SECTION 2. The governor shall designate one of the appointees to said commission as chairman thereof. The governor shall appoint a secretary to said commission who shall serve without compensation, and shall be removable at any time at the pleasure of the governor.

Location of office.

SECTION 3. Such commission shall be provided with and shall keep and maintain its office in the offices of the board of administration in the city of Columbus. It shall be furnished by said board of administration with necessary office furniture, supplies and appliances.

Where meetings held; record.

SECTION 4. All regular meetings of said commission shall be held in its office; but it may hold session in any place within the state of Ohio. A majority of such commission shall constitute a quorum to transact business. The commission shall keep a record of all its proceedings, which record shall be a public record; all voting shall be had by calling each member's name by the secretary, and each member's vote shall be recorded on the proceedings as cast. Said commission shall meet at the call of the chairman or of any two members thereof. No vacancy shall impair the rights of the remaining commissioners to exercise all the powers of the commission until such vacancy is filled.

Expenses.

SECTION 5. The members of said commission, and the secretary thereof, shall be entitled to receive from the state their expenses while traveling and engaged on business of

the commission within or without the state. Such expenses shall be presented in an account verified by the person who incurred the expense, approved by the chairman of the commission, and shall be audited and paid as other similar expenses are audited and paid.

Clerks, stenographers and assistants.

SECTION 6. Said commission may employ such clerks, stenographers and assistants as may be necessary, and fix their compensation. Such employment and compensation to be subject to the approval of the governor.

Selection, purchase or appropriation of site.

SECTION 7. Such commission is authorized, directed and empowered to proceed to purchase or procure by appropriation, in the manner hereinafter provided, and cause to be deeded to the state of Ohio by good and sufficient deed a site consisting of not less than one thousand (1,000) nor more than two thousand five hundred (2,500) acres of land, so situated and of such quality as in the judgment of the commission will provide a site suitable and fit for a new penitentiary. The selection of said site, and the determination of the number of acres requisite to compose the same, and the amount to be paid therefor shall each and all be subject to the approval of the governor.

How payment shall be made.

SECTION 8. Upon the issue of proper vouchers, signed by all the members of said commission, and the approval of the attorney general as to the title of such land the auditor of state shall issue warrants upon the treasurer of state, for such amounts as the commission shall certify, in payment therefor.

Notice to governor upon inability to purchase.

SECTION 9. If, in the judgment of said commission, after it has selected a suitable site, it is unable to purchase the same at a reasonable price, the commission shall, in writing, notify the governor of such fact. The governor shall thereupon notify the attorney general of such fact and direct him to proceed in the manner hereinafter provided to appropriate such lands as the commission may designate as a site for the erection of a new penitentiary.

Attorney general shall proceed in appropriation of property.

SECTION 10. In the appropriation of such lands the attorney general shall proceed in the manner provided by law for the appropriation of property by municipal corporations, and shall exercise all the power and discharge all the duties as representative of the state of Ohio which are imposed by law upon the city solicitor with regard to such proceedings on behalf of such municipal corporations. All the provisions of sections 3681 to 3697, inclusive, of the General Code, shall, insofar as the same are appropriate and applicable, govern the proceedings herein.

Duties of commission as to plans.

SECTION 11. Such commission shall prepare ground plans of and plans for the erection of a new penitentiary upon the site so purchased or appropriated by the state; it shall, by visitation or otherwise, secure information, employ a competent architect, and do whatever else may be necessary and essential to obtain the best possible plans for this purpose. The compensation of such architect shall be fixed by the commission, and shall, together with other

expenses incident to the preparation of such plans, be paid in the same manner as other expenses of the commission. The employment and compensation of such architect shall be subject to the approval of the governor.

Exhibition of plans in state house.

SECTION 12. Before any ground plans or plans for the erection of a new penitentiary, or building or groups of buildings constituting part or units of the same, are finally approved and adopted by the commission, such plans shall be exhibited in the state house for not less than fifteen days, and any criticism of the same shall be considered by such commission in determining whether such plans shall be finally adopted.

Adoption of plans; approval.

SECTION 13. Such commission shall determine what ground plans and plans for the erection of the new penitentiary shall be adopted by formal vote of the commission at a public meeting. The plans adopted by the commission shall thereupon be submitted to the governor for his approval; if approved by him such plans shall be the final plans for the erection of the new penitentiary, and thereafter shall not be changed except when necessary, and then upon the consent of the governor, the penitentiary commission and the board of administration.

Board of administration empowered to construct penitentiary, when.

SECTION 14. Upon the final approval of such plans, the Ohio board of administration is authorized and empowered to construct a new penitentiary upon said site so purchased or appropriated by the state, out of funds to be appropriated for that purpose by the general assembly, such construction in all things to conform to and be governed by, the plans approved as provided by this act. After the final approval of such plans, the penitentiary commission, shall, until relieved by the governor, continue to act in an advisory capacity to the board of administration in the construction of said new penitentiary; such construction including the preparation and grading and laying out of said site, shall be done, so far as possible, by prisoners of the penitentiary, or the prisoners of any other penal or reformatory institution of the state of Ohio. Before the board of administration shall decide to do any work other than the direct labor of the prisoners the approval of the governor shall be first secured.

Letting contracts.

SECTION 15. Work on said site and buildings which cannot be performed by the direct labor of prisoners, the board of administration shall award by contract. In letting such contracts and in erecting said buildings the board of administration shall be governed in all things by the provisions of sections 2314 to 2332, inclusive, of the General Code of Ohio governing the erection, alteration and improvement of state buildings; except that it may accept the bid of any contractor as to all or a part of the work and may do a part of the work by direct labor of the prisoners in the penitentiary. Before any contract is entered into by the board of administration it shall be submitted to the governor who shall hear any complaints against the

same, and at his discretion may order the commission to readvertise. The board of administration may adopt such other provisions as to the terms of such bids and in the letting of contracts as it may deem necessary.

Legal adviser.

SECTION 16. The attorney general shall be the legal adviser of the penitentiary commission; he shall approve all contracts and may attend all meetings, and in case of request shall attend meetings.

Appropriation.

SECTION 17. That for the purpose of providing a fund for the acquisition of the land to constitute a site for the new penitentiary contemplated by this act, and defraying the expenses incident thereto (which expenses shall include all expenditures of the Ohio penitentiary commission authorized by this act) there be and there is hereby appropriated out of the general revenue fund of the state of Ohio, not otherwise appropriated, the sum of two hundred and fifty thousand dollars ($250,000.00).

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 19th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
113 G.

[House Bill No. 603.]

AN ACT

To authorize the county commissioners of Harrison county, Ohio, to pay certain bills.

WHEREAS, Prior to the first day of May, 1910, certain work was performed and certain materials furnished by several persons and firms under the orders of, and by the authority, of the said Harrison county commissioners, and the bills for the same, through a technicality of the auditor not certifying the amounts to be in the treasury, remain unpaid although justly and equitably due from the said county to the said parties; now, therefore,

Be it enacted by the General Assembly of the State of Ohio:

Commissioners of Harrison county authorized to pay certain bills.

SECTION 1. That the said commissioners are hereby authorized and empowered to pay the said bills, together with legal interest thereon; providing, however, that corrections or deductions in whole or in part, may be made as to said commissioners may seem proper and advisable.

SECTION 2. That the auditor of the said county, upon the order of the said commissioners, is hereby authorized and directed to honor the same and issue his warrant upon

This act is temporary and special and therefore does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, Attorney General.

the county treasurer for said bills that may be so authorized by the said commissioners to the treasurer as hereby authorized, and pay the same from any funds not otherwise appropriated upon presentation of said warrants.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
114 L.

[House Bill No. 524.]

AN ACT

To appropriate the sum of eight hundred eighty-three dollars and eighty-one cents for the use of Mrs. Margaretta Lamb.

WHEREAS, Hon. David A. Lamb, a member of the 79th general assembly of the state of Ohio, died on February 12, 1912, some months after the final adjournment of that general assembly and after its work was finished, and

WHEREAS, No extraordinary session of the 79th general assembly was held, and the said David A. Lamb performed all the service required of any other member of the said assembly, and no successor was elected to fill out his unexpired term, and

WHEREAS, The said David A. Lamb as a member of the said general assembly served the state to the best of his ability, was a valuable member of various committees and gave his best energies and talents to the public cause, and

WHEREAS, His widow, Mrs. Margaretta Lamb, is left without adequate support, and

WHEREAS, The said David A. Lamb received from the state treasury the sum of one hundred and sixteen dollars and nineteen cents of the salary of one thousand dollars which would have been due him if he had lived till the end of the second year of his term, now therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the sum of eight hundred eighty-three dollars and eight-one cents be, and the same is hereby, appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, for the use of Mrs. Margaretta Lamb, of Wilmington, Ohio. The auditor of state is hereby authorized and directed to issue said Mrs. Margaretta Lamb, upon the order of the speaker of the house of representatives of the

Appropriation to pay Mrs. Margaretta Lamb.

This act is temporary and special and therefore does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

80th general assembly, a warrant on the treasurer of state for the sum herein appropriated.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
115 L.

[House Bill No. 458.]

AN ACT

To authorize the board of education of Wheeling township, Belmont county, Ohio, to pay Mary Shivers as teacher.

WHEREAS, Mary Shivers, continuously for eight months beginning September 4, 1911, taught a public school in subdistrict No. 4 in Wheeling township, Belmont county, Ohio, giving full satisfaction to the board of education of said township and to the patrons of said school during all of said time; and

WHEREAS, The said Mary Shivers entered upon said duties believing that she had a legal certificate to teach in said school for all of said term of eight months, valid for said time and place; but afterwards learning that she did not hold such certificate, did on the first Saturday of December, 1911, obtain from the board of examiners of Belmont county, Ohio, a valid certificate to teach in the schools of said Belmont county, from that date until September 1, 1912, and was paid by said board of education for the time she taught said school under said last mentioned certificate, five months, at the price per month stipulated in her contract with said board of education, to-wit: forty-five dollars per month; but for the first three months of said term of eight months, to-wit, from September 4, 1911, to December 4, 1911, the said Mary Shivers received no salary; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Authority to pay Mary Shivers, Belmont county.

SECTION 1. That the board of education of Wheeling township, Belmont county, Ohio, be and they are hereby authorized to pay to the said Mary Shivers, out of any funds under their control, and not otherwise appropriated, the sum of one hundred and thirty-five dollars, being the amount of her salary for three months, beginning September 4, 1911, and ending December 4, 1911, three months.

SECTION 2. Upon the order of the board of education of said township the clerk of said board is hereby author-

This act is temporary and special and therefore does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

ized to issue his warrant in favor of said Mary Shivers for said amount, one hundred and thirty-five dollars, and the treasurer of said board is hereby authorized to pay said warrant out of any funds under the control of said board of education and not otherwise appropriated.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
116 L.

[House Bill No. 550.]

AN ACT

To appropriate the sum of eighteen hundred dollars for the use of Mrs. Lawrence F. Conway.

WHEREAS, Hon. Lawrence F. Conway, a member of the house of representatives of the 80th general assembly of the state of Ohio, from the county of Lucas, died on January 24th, 1913, and

WHEREAS, No successor has been elected to fill such vacancy, and such successor cannot be elected during the present term, except at a special election held for that purpose at great cost and expense to the state of Ohio, and

WHEREAS, The said Lawrence F. Conway performed the services required of any member of the general assembly of Ohio as long as he was alive, and met his untimely death by over-exertion and work in the performance of his duties and in the interest of such general assembly, and

WHEREAS, The said Mrs. Lawrence F. Conway is wholly dependent upon her own resources and is in need of the means of support for herself and her minor child, and

WHEREAS, The said Lawrence F. Conway received from the state treasury the sum of two hundred dollars as a part payment of his salary as such member of the 80th general assembly of Ohio, but neither he nor his widow or executrix has received any of the salary which would be due to him at the time his term of office will expire; now therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the sum of eighteen hundred dollars be, and the same is, hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated; for the use of Mrs. Lawrence F. Conway, of Toledo, Lucas county, Ohio. The

Appropriation to pay Mrs. Lawrence F. Conway.

This act is special and temporary and therefore does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

auditor of state is hereby authorized and directed to issue to said Mrs. Lawrence F. Conway upon the order of the speaker of the House of Representatives of the 80th general assembly of Ohio, warrants on the treasurer of state for any portion or all of the sum herein appropriated.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
117 L.

[House Bill No. 66]

AN ACT

To amend section 6396 of the General Code, relating to the penalty for the violation of certain provisions of chapter 31 of said Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6396 of the General Code, be amended to read as follows:

Sec. 6396. A violation of any or all of the provisions of this chapter is a conspiracy against trade, and a person engaged in such conspiracy or taking part therein, or aiding or advising in its commission, or, as principal, manager, director, agent, servant or employer, or in any other capacity, knowingly carrying out any of the stipulations, purposes, prices or rates, or furnishing any information to assist in carrying out such purposes, or orders thereunder, or in pursuance thereof, or in any manner violating a provision of this chapter, shall be fined not less than fifty dollars nor more than five thousand dollars or imprisoned not less than six months nor more than one year, or both. Provided, however, that when the violation of the provisions of this chapter consists of a combination to control the price or supply, or to prevent competition in the sale of bread, butter, eggs, flour, meat or vegetables or any one of said articles, the person or persons thus engaged shall upon conviction thereof be fined in any sum not less than five hundred dollars and be imprisoned in the penitentiary not less than one nor more than five years. Each day's violation of any of the provisions of this chapter shall constitute a separate offense.

Criminal penalty.

Penalty when violation relates to bread, meat, vegetables, etc.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 6396 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved April 27th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
118 G.

[House Bill No. 651.]

AN ACT

To authorize the board of deputy state supervisors of elections for Muskingum county, Ohio, to substitute destroyed duplicate lists and registers of electors of the city of Zanesville, Muskingum county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Power to substitute destroyed lists, etc., Muskingum county.

SECTION 1. That the board of deputy supervisors of elections for Muskingum county, Ohio, be, and they hereby are authorized to substitute the duplicate lists and registers of electors of the city of Zanesville, Muskingum county, Ohio, the same having been destroyed by fire, by making new duplicate lists and registers from the copies of the original lists of names of electors last registered, and that said substitute duplicate lists and registers be for all purposes as legal, binding and controlling as were said destroyed originals.

This act is temporary and local and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. The necessary cost and expense of providing said substitute duplicate lists and registers shall be paid by said city from its general fund in the manner and form as is by statute provided in respect to general registrations.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
119 L.

[House Bill No. 511.]

AN ACT

To appropriate the sum of one thousand dollars for the use of Mrs. W. T. Smith.

WHEREAS, Hon. William T. Smith, a member of the 79th General Assembly of the state of Ohio died on May 17, 1911, shortly prior to the final adjournment of that general assembly, and after its work was practically finished; and

WHEREAS, No extraordinary session of the 79th general assembly was held, and the said William T. Smith performed substantially all the service required of any member of the general assembly, and no successor was elected to fill out his unexpired term; and

WHEREAS, The said William T. Smith rendered signal service to the state in the capacity of chairman of the house committee on taxation and in divers other capacities and gave of his energies and talents so freely to the public cause as to hasten his untimely death; and

WHEREAS, The said Mrs. W. T. Smith is wholely dependent upon her own resources and is obliged to support herself; and

WHEREAS, The said William T. Smith received from the state treasury the sum of one thousand dollars as salary for the year in which the regular session of the general assembly was held, but he or his representatives have not received any of the salary which have been due to him had he lived for the second year of his term;

Now Therefore Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay Mrs. W. T. Smith.

SECTION 1. That the sum of one thousand dollars be and the same hereby is appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated for the use of Mrs. W. T. Smith, of Marion, Ohio. The auditor of state is hereby authorized and directed to issue to said Mrs. W. T. Smith, upon the order of the speaker of the house of representatives of the 80th general assembly, a warrant on the treasurer of state for the sum herein appropriated.

This act is special and temporary and therefore does not require sectional numbering in the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.

120 L.

[House Bill No. 490.]

AN ACT

To amend section 1592 of the General Code, relative to the common pleas judge performing the duties of a probate judge while he is absent from the county or sick.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1592 of the General Code be amended to read as follows:

When common pleas judge may perform duties of probate julge.

Sec. 1592. When it is made to appear to the satisfaction of a common pleas judge within a county that the probate judge thereof is absent therefrom he may perform the duties conferred upon him by law for the admission of patients to a hospital for the insane of the state, or when it is made to appear that the probate judge is incapacitated on account of illness, or is absent from his county in obedience to an order issued by the governor of the state directing him to perform military service, he may perform all the duties conferred by law upon such probate judge. The record of such cases shall be made and preserved in the proper records of the probate court by the deputy clerk thereof.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 1592 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
121 G.

[House Bill No. 513.]

AN ACT

To amend section 4688 of the General Code, relating to dissolving village school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4688 of the General Code be amended to read as follows:

School districts in villages upon surrender of corporate powers.

Sec. 4688. When a village surrenders its corporate powers or when a village school district is dissolved by a majority vote at a general election or special election held in such district, the village school district shall be thereby abolished and the territory formerly constituting such village district shall become a part of the township school district or districts of the civil township or townships in which it is situated, and all school property shall pass to and become vested in the township board of education of the civil township in which it is situated.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 4688 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.

122 G.

[House Bill No. 229.]

AN ACT

To amend section 6858 of the General Code, relating to the turning, alteration and vacation of state roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6858 of the General Code be amended to read as follows:

How turned, altered or unopened, vacated.

Sec. 6858. Any part of a state road may be turned or altered or its beginning or true course ascertained, or, where any part of such road is deemed unnecessary to be kept open for public convenience or has remained unopened for the term of five years, may be vacated by the commissioners of the county in which it is located. When it has been injured or destroyed, it may be repaired by the township trustees, and proceedings for any of the aforesaid purposes shall be had and conducted as provided in like cases for county roads.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 6858 of the General Code be, and the same is, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.

123 G.

[House Bill No. 343.]

AN ACT

To authorize the board of education of Perrysburg township, Wood county, Ohio, to pay Agnes and Grace Ault certain sums for services as teachers.

WHEREAS, By reason of scarcity of teachers of the public schools in district No. 13, in Perrysburg township, Wood county, Ohio, Miss Agnes Ault, at the request of the board

of education of said township, and under a contract duly entered into, taught said school to the entire satisfaction of said board of education and the patrons of said school from September 5th, 1905, to March 8th, 1906, same being 124 days at $2.00 per day, but because of failure to receive a certificate from the board of county school examiners and by reason thereof has received no compensation for her services as above described, and

WHEREAS, By reason of the scarcity of teachers of the public schools in district No. 8, in Perrysburg township, Wood county, Ohio, Miss Grace Ault, at the request of the board of education of said township, and under a contract duly entered into, taught said school to the entire satisfaction of said board of education and the patrons of said school from September 5th, 1905, to February 20th, 1906, same being 114 days at $2.00 per day, but because of failure to receive a certificate from the board of county school examiners, and by reason thereof has received no compensation for her services as above described, and

WHEREAS, The president and clerk together with the members of the board of education of Perrysburg township, Wood county, Ohio, have petitioned for the enactment of a law authorizing the payment of the sums heretofore specified, therefore,

Be it enacted by the General Assembly of the State of Ohio:

Authority to pay Agnes and Grace Ault as teachers.

SECTION 1. That the board of education of Perrysburg township, Wood county, Ohio, be and they are hereby authorized to pay to the said Agnes Ault and Grace Ault out of any funds under their control and not otherwise appropriated, the following sums:

To Agnes Ault, 124 days, at $2.00 per day, $248.00.
To Grace Ault, 114 days, at $2.00 per day, $228.00.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized to issue his warrant, and the treasurer of said board is hereby authorized and directed to pay said warrant in favor of said Agnes Ault and Grace Ault out of any funds under the control of said board of education or said township and not otherwise appropriated.

This act is special and temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
124 L.

[House Bill No. 535.]

AN ACT

To appropriate the sum of one thousand dollars to be paid to the heirs of the Hon. D. P. Hagerty, deceased, represented by A. L. Hagerty.

WHEREAS, Hon. D. P. Hagerty, a member of the 79th general assembly of the state of Ohio, died on March 17, 1911, shortly prior to the final adjournment of that general assembly, and after its work was practically finished; and

WHEREAS, No extraordinary session of the 79th general assembly was held, and the said D. P. Hagerty performed substantially all the service required of any member of the general assembly, and no successor was elected to fill out his unexpired term; and

WHEREAS, The said D. P. Hagerty rendered valuable and faithful service to the state in the 78th general assembly also; and

WHEREAS, The said D. P. Hagerty received from the state treasury the sum of one thousand dollars as salary for the year in which the regular session of the 79th general assembly was held, but he or his representatives have not received any of the salary which have been due to him had he lived for the second year of his term; now therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay D. P. Hagerty.

SECTION 1. That the sum of one thousand dollars be and the same hereby is appropriated out of the moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated to be paid to the heirs of said D. P. Hagerty, represented by A. L. Hagerty, of Tippecanoe, Ohio. The auditor of state is hereby authorized and directed to issue to said A. L. Hagerty, upon the order of the speaker of the house of representatives of the 80th general assembly, a warrant on the treasurer of state for the sum herein appropriated.

This act is special and temporary and therefore does not require sectional numbering in the General Code.

TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
125 L.

[House Bill No. 668.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for support of common schools.

SECTION 1. That there be and is hereby appropriated from any moneys raised or coming into the state treasury for the support of the common schools and not otherwise appropriated, to assist in the maintenance of weak school districts, the balance of former appropriation and the sum of seventy-five thousand dollars which shall be distributed by the auditor of state in accordance with the provisions of the act passed April 2, 1906.

This act is special and temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
126 G.

[House Bill No. 266.]

AN ACT

To prevent the spread of tuberculosis.

Be it enacted by the General Assembly of the State of Ohio:

Section 3153-1. SECTION 1. The medical superintendent of any county or district tuberculosis hospital may appoint, subject to the approval of the state board of health, one or more instructing and visiting nurses who may visit any house or place in the county or district wherein there is a case of tuberculosis. In such counties as have not constructed a county hospital for tuberculosis, or joined in the construction of a district tuberculosis hospital, the county commissioners may appoint one or more instructing and visiting nurses who may visit any home or place in the county wherein there is a case of tuberculosis, but such appointments shall be subject to the approval of the state board of health.

Appointment of nurses.

Section 3153-2. SECTION 2. Such nurses shall be subject to the supervision of the medical superintendent of the county or district tuberculosis hospital and the state board of health. Where such appointments are made by the board of county commissioners, such nurses shall be subject to the supervision of the county commissioners and the state board of health.

Supervision of nurses.

Section 3153-3. SECTION 3. The board of county commissioners in

Compensation.

counties not supporting a tuberculosis hospital or the board of trustees of such hospitals shall fix the compensation of such nurses. Such compensation and the necessary expenses incurred by such nurses shall be paid from the poor fund of the county, or from the funds provided for the hospital for tuberculosis.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
127 G.

[House Bill No. 506.]

AN ACT

To permit incorporated associations to acquire prehistoric monuments and sites.

Be it enacted by the General Assembly of the State of Ohio:

Section 10198-1. Acquisition of prehistoric monuments and sites.

SECTION 1. Any incorporated association or society maintained by and operating for and on behalf of the state of Ohio, having for its purpose the preservation of prehistoric monuments or the exploration or examination of such prehistoric monuments with the view of collecting and preserving all relics or artifacts found in such monuments, for educational and scientific purposes and for the use and benefits of the public by being permanently placed in a state museum, may acquire and hold any real estate in the state of Ohio which is the site of an prehistoric mound, earth or stone works, or prehistoric village site. In the event that such incorporated association or society seeking to acquire such real estate and any owner of such real estate sought to be acquired are unable to agree upon the price to be paid for acquiring or holding of the real estate desired, such association or society may acquire such real estate by proceedings in a proper court in the manner provided by law for the appropriation of private property by a municipal corporation of this state.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
128 G.

[House Bill No. 646.]

AN ACT

To amend section 3636 of the General Code, relative to erection of building and elevators.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3636 of the General Code be amended to read as follows:

Sec. 3636. To regulate the erection of buildings and the sanitary condition thereof, the repair of, alteration in and addition to buildings, and to provide for the inspection of buildings or other structures and for the removal and repair of insecure buildings; to require, regulate and provide for the numbering and renumbering of buildings either by the owners or occupants thereof or at the expense of the municipality; to provide for the construction, erection, operation of and placing of elevators, stairways and fire escapes in and upon buildings.

Erection of buildings.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 3636 of the General Code, be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913. JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
129 G.

[House Bill No. 383.]

AN ACT

To amend section 1416-1, relating to the catching, killing or injury of foxes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1416-1 of the General Code be amended to read as follows:

Sec. 1416-1. No person shall catch, kill or injure any fox from the tenth day of January to the first day of the following October, both inclusive. This section shall not prevent the owner of a farm or tenant from killing a fox when doing an injury upon his premises.

Open season for fox.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original section 1416-1 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913. JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
130 G.

[House Bill No. 413.]

AN ACT

To amend section 1453 of the General Code, relating to the catching of carp.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1453 of the General Code be amended to read as follows:

Provision as to German carp.

Sec. 1453. German carp may be taken or caught at any time in the waters of the Portage river as far up as the Oak Harbor bridge and in the bays, marshes, estuaries or inlets bordering upon, flowing into or in any manner connected with Lake Erie, with any seine, having meshes not less than four inches, stretched mesh. Other nets or devices may be used if authorized by the commissioners of fish and game. Written permission to catch carp in such waters shall be granted to any person making application to the commissioners. Such permission may be revoked by the commissioners upon conviction of the holder thereof for taking fish contrary to law.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 1453 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
131 G.

[House Bill No. 215.]

AN ACT

To amend section 10918 of the General Code, relating to the selection of a guardian by minors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10918 of the General Code be amended to read as follows:

Minors may choose.

Sec. 10918. A male infant over the age of sixteen years, or a female infant over the age of fourteen years, may select a guardian, who, if a suitable person, must be appointed. If such minor fails to select a suitable person, an appointment may be made without reference to his or her wishes. A minor shall not select one person to be the guardian of his or her estate only, and another to be guardian of the person only, unless the court which appoints is of the opinion that the interests of such minor will thereby be promoted.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 10918 be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
132 G.

[House Bill No. 257.]

AN ACT

To amend section 10704 of the General Code of Ohio, respecting the sale of personal property by executors and administrators.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10704 of the General Code of Ohio be amended to read as follows:

Sec. 10704. The executor or administrator of an estate may sell either at public or private sale promissory notes, claims, demands, rights in action, bonds and stocks by first obtaining an order of the probate court therefor, but if he sells at private sale, it must be for not less than an amount previously fixed by the probate court.

How notes, claims, stocks, etc., may be sold.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 10704 of the General Code of Ohio be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
133 G.

[House Bill No. 348.]

AN ACT

To supplement section 5090 of the General Code relating to the preservation of the ballots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5090 of the General Code be supplemented by the enactment of section 5090-1 of the General Code which shall read as follows:

Sec. 5090-1. Before separating, the judges and clerks shall fold in two folds and string closely upon a single piece of flexible wire, all ballots which shall have been counted

Preservation of all ballots.

by them, unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied without breaking the seal, enclose the ballots so strung in a secure cloth or heavy paper covering and securely tie and seal such covering with official wax impression seals, to be provided by the deputy state supervisors of elections, in such manner that it cannot be opened without breaking the seals, and deliver said ballots in such sealed covering to the deputy state supervisors of elections, and such officers shall carefully preserve such ballots for thirty days, and at the expiration of that time shall destroy them by burning without previously opening the package. Such ballots shall be destroyed in the presence of the official custodians thereof and two electors of approved integrity and good reputation and members respectively of the two leading political parties. The said electors shall be designated by the board of deputy state supervisors of elections of the county in which such ballots are kept; provided that if any contest of election shall be pending, at the expiration of said time the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections, the parties contesting the same shall have the right to have said ballots opened and to have all errors in counting corrected by the court or body trying such contest, but such ballots shall be opened only in open court or in open session of such body and in the presence of the officers having the custody thereof.

When and how ballots shall be destroyed.

In cases of contested elections.

The sectional number herein is in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 14th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
134 G.

[House Bill No. 349.]

AN ACT

To amend section 5090 of the General Code relating to the preservation of disputed ballots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5090 of the General Code be amended to read as follows:

Sec. 5090. If there are any ballots placed in the envelopes for uncounted ballots, such envelopes shall be sealed and returned to the deputy state supervisors with the returns of the election, to be by them counted. At least one day before the beginning of the official count, the board of deputy state supervisors, in the presence of one person

duly authorized by the chairman of each county controlling committee and the chairman of the committee of each set of candidates nominated by petition, shall open the envelopes containing the uncounted ballots and determine what part and for whom each such ballot shall be counted, and proceed to count and tally the same. Said ballots shall be further preserved for such judicial or other investigation as may be necessary.

Preserving and counting of disputed ballots.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 5090 be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 14th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
135 G.

[House Bill No. 632.]

AN ACT

To amend section 7596 of the General Code, relating to state aid for weak school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7596 of the General Code be amended to read as follows:

Sec. 7596. Whenever any board of education finds that it will have such a deficit for the current school year, such board shall on the first day of October, or any time prior to the first day of January of said year, make affidavit to the county auditor, who shall send a certified statement of the facts to the state auditor. The state auditor shall issue a voucher on the state treasurer in favor of the treasurer of such school district for the amount of such deficit in the tuition fund.

State aid for weak school districts.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That section 7596 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
136 G.

[House Bill No. 369.]

AN ACT

To amend section 7234 of the General Code, relating to the appointment of free turnpike commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7234 of the General Code be amended to read as follows:

Appointment of free turnpike road commissioners.

Sec. 7234. Thereupon the county commissioners shall appoint three judicious freeholders of the county resident within the bounds of said road, to be commissioners of such free turnpike road, who, by the name fixed by the county commissioners, shall be a body corporate, for the purpose of laying out and establishing a free turnpike road between the points within the county named in the petition. The county commissioners shall appoint such persons to be commissioners of such free turnpike road as have been recommended by petition of a majority of the land owners, if such recommendation is made. Provided that, if the county commissioners find that there are not three freeholders of the county who reside within the bounds of said road they may appoint as commissioners, freeholders of the county who reside in a township in which any portion of said free turnpike road is located.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 7234 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
137 G.

[House Bill No. 596.]

AN ACT

To amend sections 8875, 8878, 8888 and 8890 of the General Code, relating to grade crossings in municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 8875, 8878, 8888 and 8890 of the General Code be amended to read as follows:

Changes in location of public ways.

Sec. 8875. When the council of a municipality deems it necessary in the abolishment of such grade crossings to change the location of any street, alley, road or way such council may relocate such street, alley, road or way or any part thereof, may vacate the whole or any portion of such street, alley, road or way abandoned by such relocation, and

cause the improvements above contemplated to be placed in such relocated street, alley, road or way.

Who may petition the court.

Sec. 8878. Either the municipality or company after the expiration of three months from the passage of the ordinance may apply to such court of common pleas by petition accompanied by the necessary plans prepared by the municipality or railroad company asking that any grade crossing or grade crossings be abolished. Such plans must show the grades to be established for such streets, the changes to be made in the location of streets, alleys, roads or ways; the height, character and estimated cost of any viaduct or way above or below railroad tracks, and the number, character and location of piers, abutments and supports to be permanently located in the streets, alleys, roads or ways, in the municipality and the change of grade to be made in any railroad tracks, including side tracks and switches.

How necessary land acquired.

Sec. 8888. The land or property required to make alterations in the street, road, alley or other way or any right, title or interest in a public street, alley or other way, required for the erection of piers or supports in any municipality, necessitated by the proposed improvement, shall be purchased or appropriated by the municipality or company after the manner provided by law for the appropriation of private property for public use. The land or property required to make any alteration in a railroad or railroads or any right, title or interest in a public street, road, alley or way required to permit the erection of piers or supports in any municipality, and structure necessitated by the proposed improvements, shall be purchased or appropriated by the railroad company or companies after the manner provided for the appropriation of private property by such corporation. But the municipality shall not appropriate land held or owned by a railroad company and necessary for the use of the company in maintaining and operating this road.

Bond issue.

Sec. 8890. For the purpose of raising money to pay the proportion of the cost of such improvement payable by the municipality, the bonds of the municipality may be issued to the necessary amount. They shall be of such denomination, payable at such place and times as the council determines, and bear interest not exceeding five per cent. per annum, and shall not be sold for less than their par value.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 8875, 8878 8888 and 8890 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913. JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913
138 G.

[House Bill No. 572.]

AN ACT

To amend section 9735 of the General Code, relating to declaration of dividends by banks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9735 of the General Code be amended to read as follows:

Sec. 9735. The board of directors of such corporation may declare a dividend of so much of its net profits as they deem expedient. Before such dividend is declared, not less than one-tenth of the net profits of the company for the preceding half year, or for such period as is covered by the dividend, shall be carried to a surplus until fund amounts to twenty per cent. of its capital stock.

Declaring of dividends.

In order to ascertain the net profits from which such a dividend may be made, in the amount of profit and loss there shall be charged and deducted from the actual profits:

How net profits ascertained.

(1) All ordinary and extraordinary expenses, paid or incurred, in managing the affairs and transacting the business of the corporation.

(2) Interest paid, or then due, on debts which it owes.

(3) All taxes due.

(4) All losses sustained by the corporation. In computing its losses, debts owing to it which have become due and which are not in process of collection and on which interest for one year or more is due and unpaid, unless same are well secured, and debts upon which judgment was recovered, but has been more than two years unsatisfied, and on which also for said period of two years, no interest was paid, unless same are well secured, shall be included.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 9735 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.
JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.

139 G.

[House Bill No. 273.]

AN ACT

To amend sections 7755, 7756, 7757, 7758, 7759, 7760, 7761 for the establishment of public schools for the deaf, blind and crippled.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7755, 7756, 7757, 7758, 7759, 7760 and 7761 of the General Code be amended so as to read as follows:

Establishment of schools for education of the deaf, blind and crippled.

Sec. 7755. Upon application by a board of education of any school district in Ohio to the superintendent of public instruction he shall grant permission to such board and it may thereupon establish and maintain within its limits one or more day schools at an average attendance of not less than three pupils for the instruction of deaf persons, residents of this state, over the age of three, for the instructions of blind persons, residents of this state, over the age of four, and of crippled persons, residents of this state, over the age of five.

Report to superintendent of public instruction.

Sec. 7756. A board of education which maintains one or more day schools for the instruction of the deaf, crippled or blind persons shall report to the superintendent of public instruction annually, and as often as such commissioner directs such facts concerning such school or schools as he requires.

How expense of schools defrayed.

Sec. 7757. At the close of each school year each board of education of the school district in which such schools for the education of the deaf, crippled or blind shall be established and maintained, shall certify to the auditor of state the number of pupils given instructions in said schools during the preceding school year and thereupon the auditor of state shall draw his warrant upon the treasurer of state in favor of such board of education, payable out of the general state fund in an amount equal to $150.00 for each deaf or crippled pupil given instruction in such schools within said district for nine months during said school year, and a proportionate amount for each deaf or crippled pupil given instructions therein for a part of said school year less than nine months, and the sum of $200 for each blind pupil given instruction in such schools within such district for nine months during said school year, and a proportionate amount for each blind pupil given instruction therein for a part of said school year less than nine months.

Payment by state treasurer.

Sec. 7758. The sums provided in the next preceding section shall be paid by such state treasurer upon the presentation of such warrant or order upon satisfactory proof made to him by the president or clerk of the board of education maintaining such school, of the number of pupils instructed therein, their residence, and the period of time such pupils were so instructed in such school or schools the preceding school year.

Appointment and qualification of teachers.

Sec. 7759. Teachers in such schools shall be appointed and employed as are other public school teachers. They shall possess the usual qualifications required of teachers in the public schools, and in addition thereto such special training and equipment as the board of education may require. The so called oral system shall be taught by such teachers in schools for the deaf. If, after a fair trial of nine months, any of such children in any school for the deaf for any reason is unable to learn such method, then they may be taught the manual method in a separate school, providing however that there are not fewer pupils than provided in Sec. 7755 of the General Code.

Sec. 7760. For the purpose hereof, any person of sound mind who, by reason of defective hearing or defective vision, or so crippled as to be physically unable to care for himself without assistance, cannot profitably be educated in the public schools as other children, shall be considered as deaf, blind, or crippled and after the establishment of any such school by any school district, may be compelled to attend such school or a state institution.

Who considered deaf, blind or crippled.

Sec. 7761. The state school commissioner shall select some competent person to inspect all such day schools established by virtue of this act, and cause inspection to be made at least twice a year concerning the methods of instruction, the condition of the buildings in which the same are held, the conditions under which such schools are maintained, and such other matters as may be of interest in the education of such children in such schools; and such persons so appointed shall make full report thereof in writing to the state commissioner of schools at the close of each school year.

Inspection of such schools.

SECTION 2. That said original sections 7755, 7756, 7757, 7758, 7759, 7760 and 7761 of the General Code be, and the same are hereby repealed.

Repeals.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 16th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
140 G.

[House Bill No. 478.]

AN ACT

To amend section 4189 of the General Code, relating to the management and control of union cemeteries, and to repeal sections 4184, 4185 and said original section 4189.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4189 of the General Code be amended to read as follows:

Sec. 4189. The cemetery so owned in common, shall be under the control and management of the trustees of the township or townships and the council of the municipal corporation or corporations and their authority over it and their duties in relation thereto shall be the same as where the cemetery is the exclusive property of a single corporation.

Control and management.

SECTION 2. That said original sections 4184, 4185 and

4189 of the General Code be, and the same are hereby, repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
141 G.

[House Bill No. 352.]

AN ACT

To amend section 376 of the General Code, relating to the duties of the state dairy and food commissioner, assistant commissioners and inspectors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 376 of the General Code be amended to read as follows:

Powers of the commissioner and assistants.

Sec. 376. The state dairy and food commissioner, each assistant commissioner and each inspector, in the performance of his duty, may enter a creamery, factory, store, salesroom, drug store, laboratory or other place where he believes or has reason to believe, drugs, food, drink or linseed oil is made, prepared, dispensed, sold or offered for sale, examine the books therein, and open a cask, tub, jar, bottle or other package containing or supposed to contain a drug or an article of food or drink and examine or cause to be examined and analyzed the contents thereof.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 376 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
142 G.

[House Bill No. 233.]

AN ACT

Providing for the establishment and maintenance of a day school for prisoners at the Ohio Penitentiary.

Be it enacted by the General Assembly of the State of Ohio:

Section 2195.

SECTION 1. The Ohio board of administration may es-

Establishment of day school at penitentiary.

tablish, at the penitentiary, an elementary day school for uneducated prisoners, and cause the same to be so conducted as to afford to such prisoners, so far as practicable, the advantages of a common school education. To that end it may employ a competent and efficient superintendent of the school and such number of assistants and teachers as, in its opinion, may be deemed necessary. The board may provide school rooms and necessary furniture, books, stationery, supplies and apparatus.

Section 2195-1.

Branches taught.

SECTION 2. The branches of education which shall be taught in such school shall be reading, spelling, writing, arithmetic and English grammar.

Section 2195-2.

Optional branches or departments.

SECTION 3. The board may establish and maintain manual training, domestic science and commercial departments. The nature of alcoholic drinks and other narcotics, and their effects on the human system, may be included in the branches to be regularly taught, and instruction and training may be given in such other branches as may, from time to time, be directed by the board.

Section 2195-3.

Designation of attendants and graded course of study.

SECTION 4. The superintendent, having regard to previous education and intellectual capacity, shall designate the prisoners who shall attend such school. He shall prescribe a graded course of study in branches named in section two, and classify and regulate, and prescribe tests for the promotion of prisoners according to attainments from one grade to another. He shall assist and direct the teachers in the performance of their duties and perform such other functions as the board may determine; and he shall, with the approval of the board, prescribe rules and regulations for the management and government of the school.

Section 2195-4.

Examination and promotion.

SECTION 5. Examinations may be held for promotion and the questions for examination for such promotion shall be uniform and prepared under the direction of the superintendent. Only such prisoners as receive, on examination, an average grade of seventy percentum, with no grade less than fifty percentum, in any branch, shall be passed.

Section 2195-5.

School week; school month; course of study.

SECTION 6. Such school be held not less than two hours each day, Sundays excepted. A school week shall consist of six days and a school month of four school weeks. A course of study shall consist of not less than four recitations a week, continued for a period of forty weeks. The school shall be classified into such number of grades as the superintendent shall prescribe.

Section 2195-6.

Diminution of sentence for advancement in grades.

SECTION 7. A prisoner, other than one sentenced for life, attending such school, shall be entitled to one month diminution of his sentence for each advancement in grade, which diminution shall not be forfeited or taken away because of a violation of any rule of discipline or for any other cause. The record in the school of a prisoner sentenced for life shall be given special consideration in an application for pardon, parole or commutation of sentence.

Section 2195-7.

SECTION 8. Educated prisoners may be assigned to duty as teachers in such school. The board of administra-

tion shall adopt rules for the diminution of the sentence of such teachers, and the time so gained under such rules shall not be forfeited or taken away for any cause. Prisoners may be assigned as teachers.

Section 2195-8. SECTION 9. The superintendent shall make monthly reports to the board of administration with respect to the management and progress of the school and as to all matters under his supervision. Monthly reports.

The sectional numbers on the margin hereof are designated as provided by law.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN,
Attorney General.

Passed April 17th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 3rd, 1913.
143 G.

[Senate Bill No. 95.]

AN ACT

To amend sections 4698, 4699, 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4745, 4949, 4992 and 4997 of the General Code of Ohio, relating to boards of education in city school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4698, 4699, 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4745 and 4997 of the General Code be amended so as to read as follows:

Sec. 4698. In city school districts containing according to the federal census a population of less than 50,000 persons, the board of education shall consist of not less than three members nor more than five members elected at large by the qualified electors of such district. Boards in city school districts.

In city school districts containing according to the federal census a population of 50,000 persons or more, but less than 150,000 persons, the board of education shall consist of not less than two members nor more than seven members elected at large by the qualified electors of the school district, and of not less than two members nor more than twelve members elected from subdistricts by the qualified electors of their respective subdistricts.

In city school districts containing according to the federal census a population of 150,000 persons or more, the board of education shall consist of not less than five nor more than seven members elected at large by the qualified electors of such district; the office of subdistrict member in boards of education in all such city school districts is hereby abolished and the terms of members elected from subdistricts shall terminate on the day preceding the first Monday in January, 1914.

Sec. 4699. Within thirty days after this act shall take effect, the board of education of each and every city school district in which the number of members does not conform

Number of members determined; how.

to the provisions of section 4698 shall by resolution determine within the limits prescribed by said sections the number of members of said board of education. Said resolution shall provide for the classification of the terms of members so that they will conform to the provisions of section 4702, General Code, taking into consideration the terms of office of the existing members whose terms do not expire or terminate on the day preceding the first Monday in January, 1914. At the same time such boards of education in city school districts containing according to the federal census a population of 50,000 persons or over, but less than 150,000 persons shall subdivide such city school district into subdivisions equal in number to the number of members of the board of education in the district, who are to be elected from subdistricts therein so established. Such subdistricts shall be bounded, as far as practicable, by corporation lines, streets, alleys, avenues, public grounds, canals, water courses, ward boundaries, voting precinct boundaries, or present school district boundaries, and shall be as nearly equal in population as possible and be composed of adjacent and as compact territory as practicable. Such subdivision shall be numbered from one up consecutively and the lines thereof so fixed shall not be changed until after each succeeding federal census.

Division into sub-districts.

Within three months after the official announcement of the result of each succeeding federal census, the board of education of each city school district which according to such census shall have a population of 50,000 persons or over and less than 150,000 persons, shall redistrict such district into subdistricts in accordance with the provisions of this chapter. If the board of education of any such district fails to district or redistrict such city school district, as herein required then the state superintendent of public instruction shall forthwith district or redistrict such city school district, subject to the requirements of this chapter.

Redistricting.

Sec. 4701. Whenever the number of members of the board of education of a city school district, as fixed by the resolution provided for in section 4699, shall be more than the number of members whose terms will not expire or terminate on the day preceding the first Monday in January, 1914, the additional members of such board shall be elected at the general school election in the year 1913 for such terms of two or four years as may be necessary to comply with the two provisions of sections 4698 and 4702.

Election of additional members, when.

Whenever the number of members of any such board of education shall by the resolution provided for in said section 4699 be fixed at less than the number of members of said board whose terms do not expire or terminate on the day preceding the first Monday in January, 1914, the member or members to retire shall be determined by lot from among those whose terms would expire on the day preceding the first Monday in January, 1916, lots being cast among members elected at large and among members elected from subdistricts separately, and the terms of office of those

Retiring members determined by lot.

on whom the lot falls shall expire on the day preceding the first Monday in January, 1914.

Term.

Sec. 4702. The term of office of all members of boards of education in city school districts, except as provided in section 4701, shall be four years. All members in office at the time this act takes effect shall serve the unexpired portions of the terms for which they were respectively elected and until their successors are elected and qualified, unless their terms shall expire or shall have been terminated as provided by sections 4698 and 4701.

When members elected.

If the number of members of a board of education of any city school district to be elected at large as fixed pursuant to section 4699 be even, one-half thereof shall be elected in the year preceding, and the remaining half in the year following the calendar year divisible by four. If such number be odd, one-half of the remainder after diminishing the number by one shall be elected in the year preceding, and the remaining number shall be elected in the year following the calendar year divisible by four. All members to be elected from odd numbered subdistricts shall be elected at one and the same election, and all members from even numbered subdistricts shall be elected at the alternate election.

Electors in attached territory entitled to vote.

Sec. 4703. When territory is attached to a city school district for school purposes, the electors residing in said attached territory shall be entitled to vote for school officers and on all school questions in said district. It shall be the duty of the board of education of such city school district to assign such territory to the adjoining election precinct or precincts of said district and to have a map prepared showing such assignment, which shall be made a part of the records of said board. The electors residing in such attached territory shall be entitled to vote in the precincts to which they are assigned, but in case no assignment is made by the board of education, each elector shall vote in the precinct nearest his residence.

An elector residing in a city but not in the city school district of said city shall not be entitled to vote in said city school district.

Submission of question of number of members.

Sec. 4704. If, at any time, a petition signed by ten (10%) per cent. of the electors in any district shall be filed with the clerk of the board of education of such district asking that the question what shall be the number of members and what the organization of the board of education of such district be submitted to the electors thereof, such board of education shall within thirty days after the filing of such petition provide by resolution for submitting such question to the electors of such district. Such question shall not be submitted to a referendum vote more than once in any period of four years and the percentage of electors required to sign such petition shall be based upon the total vote cast at the last preceding general school election.

Said resolution shall require that such question shall

Commission to frame plans of organization for submission.

be submitted at the next regular school election and shall also provide for the appointment of a commission to frame two or more plans of organization for submission as above provided. Said commission shall consist of seven members, three of whom shall be appointed by the president of the board of education of such district, two by the mayor of the city in which such district is embraced and two by the president of the board of sinking fund trustees of such city.

A certified copy of said resolution shall immediately after its passage be transmitted to the mayor and president of the board of sinking fund trustees of said city and such commission shall be appointed and shall organize within sixty days after the passage of said resolution.

Sec. 4705. Said commission shall prepare and submit to the electors at the next general school election, if one occur not less than one hundred and twenty days after the passage of said resolution, otherwise, at the second general school election, two or more plans for the organization of the board of education in such district, but in no event shall less than two plans be submitted. Each plan shall provide for the number of members, the length of term of the members and the organization of the board; one plan so submitted shall provide for a board of the same number and of the same organization as the board existing in said district at the time of said election. Said plans shall be submitted to the electors of said district on a separate ballot, bearing no party designation and in such form as said commission may determine. A certified copy of the resolution determining such form shall be transmitted by said commission to the proper election authorities a sufficient length of time prior to said election to enable the ballot therefor to be prepared.

When and how plans shall be submitted and for what they shall provide.

Sec. 4706. Provision shall be made by the board of deputy state supervisors and inspectors of election or other board or officer having charge of elections within any district for the preparation of the ballots for the holding of said election as hereinbefore provided and said election shall be conducted in all respects not herein specifically provided for, in a manner prescribed by general law for school elections.

Election; expense.

The board of education of such district shall make such provision as is necessary for meeting the expense of said commission, but said commissioners shall receive no compensation.

Sec. 4707. If any plan so submitted shall receive a majority of the number of votes cast for all of the plans, it shall thereafter become the law governing the number of members and the organization of the board of education in such district and at the next general school election following the adoption of such plan all of the members of the board of education of such district shall be elected pursuant to such plan.

Adoption of by majority vote.

The terms of all members of the board of education of such district who may have been elected prior to the adoption of such plan, or who may be elected at the general school election at which such plan is adopted, shall expire on the day preceding the first Monday of January following the next general school election thereafter. All members elected at said general school election following the adoption of such plan shall take office on the first Monday of January next following their election and shall hold office during such term or terms as may be provided by such plan adopted by the electors of said district, but no terms shall be for less than two years.

Expiration of terms.

Sec. 4745. The terms of office of members of each board of education shall begin on the first Monday in January after their election and each such officer shall hold his office for four years except as may be specifically provided in chapter 2 of this title, and until his successor is elected and qualified.

Beginning of terms.

Sec. 4997. Nominations of candidates for the office of member of the board of education shall be made by nominating papers signed in the aggregate for each candidate by not less than twenty-five qualified electors of the school district, of either sex, in village districts and in city school districts by not less than two per cent. of the electors voting at the next preceding general school election in such city school districts.

How nominations made.

The sectional numbers herein are in conformity to the General Code.

SECTION 2. That sections 4698, 4699, 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4745, and 4997 be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN,
Attorney General.

Passed April 28th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 2nd, 1913.
144 G.

[House Bill No. 25.]

AN ACT

Providing for enlarging and extending the jurisdiction of the Police Court in the city of Cincinnati, and changing the name of such court to the Municipal Court of Cincinnati.

Be it enacted by the General Assembly of the State of Ohio:

Section 1558-1. SECTION 1. That hereafter the police court in the city of Cincinnati shall be a court of record and shall be styled

"The Municipal Court of Cincinnati."

"The Municipal Court of Cincinnati," and is hereinafter designated and referred to as the municipal court.

Section 1558-2.

Judges of court and qualifications.

SECTION 2. The municipal court shall hereafter consist of five judges, one of whom shall be presiding judge, and the present police judge of Cincinnati shall be hereafter presiding judge of the municipal court until the expiration of his present term and all of said judges shall, at the time of their election or appointment, be qualified electors and residents of the city of Cincinnati and shall have been admitted to the practice of law for not less than four years.

Section 1558-3.

Election and term.

SECTION 3. The additional judges herein provided for, including the presiding judge after the expiration of the term of the present police judge of the city of Cincinnati, shall be elected by the electors of the city of Cincinnati. The first election of said judges shall be held at the regular municipal election in 1913, at which time two judges shall be elected for four years and two for two years. At each regular municipal election next preceding the expiration of the terms of office of each judge, including the present police judge, a successor shall be elected for a term of four years. The term of office of each judge shall commence on the first day of January next after his election, and he shall hold office until his successor is elected and qualified. At any such election any two candidates receiving the highest number of votes shall be elected but the presiding judge shall be separately nominated and elected as such.

Section 1558-4.

Salary.

SECTION 4. The salary of a judge of the municipal court shall be four thousand ($4,000.00) dollars per annum, three thousand of which shall be paid out of the treasury of the city of Cincinnati in monthly installments and one thousand shall be paid out of the treasury of Hamilton county in quarterly installments. The presiding judge shall receive a salary of six thousand ($6,000.00) dollars per annum of which four thousand shall be paid from the city treasury in monthly installments and two thousand from the treasury of Hamilton county in quarterly installments.

Vacations.

The vacations of the respective judges of the municipal court shall not exceed thirty (30) days during each year and at such times as fixed by the presiding judge and at least four judges shall be in attendance at all times.

Section 1558-5.

Removal; vacancy.

SECTION 5. The judges of the municipal court shall be subject to the same disabilities and may be removed from office for the same causes as the judges of the court of common pleas. The vacancies arising from any cause shall be filled as prescribed for the filling of vacancies in the superior court of Cincinnati.

Section 1558-6.

SECTION 6. The municipal court shall have the same jurisdiction in criminal matters and prosecutions for misdemeanors or violations of ordinances as heretofore had by the police court of Cincinnati and in addition thereto shall have ordinary civil jurisdiction within the limits of said city of Cincinnati in the following cases:

Jurisdiction.

1. In all actions and proceedings of which the justices of peace have or may be given jurisdiction.

2. In all actions and proceedings for the recovery of money or personal property of which the court of common pleas has, or may be given, jurisdiction, when the amount claimed by any party, or the alleged value of the personal property sought to be recovered, does not exceed $600.00 and in such actions judgment may be rendered for over $600.00 when the amount over $600.00 shall consist of interest or damages, or court costs accrued after the commencement of the action.

3. All actions on contracts express or implied, when the amount claimed by the plaintiff, exclusive of all costs, does not exceed $600.00. When a cause arising out of a contract is pending in the municipal court and when the ends of justice demand that the contract or contracts be reformed or cancelled, the municipal court shall have the jurisdiction to decree such reformation or cancellation.

4. All actions in forcible entry or detainer.

5. All actions or proceedings whether legal or equitable to enforce the collection of its own judgments.

6. All actions for the sale of personal property under chattel mortgage, lien or other charge or encumbrance upon personal property, and for marshaling of all liens thereon when the amount sought to be recovered shall not exceed $600.00.

7. All actions and proceedings for the sale of personal property under lien of judgment of the municipal court or lien for material furnished or labor performed and for the marshaling of all liens thereon, but except in the case of a judgment of the municipal court the jurisdiction of the court shall be limited to the sale of personal property to satisfy the claims of $600.00 or less.

8. All actions and proceedings in the nature of creditor's bills in aid of execution, to subject the interest of a debtor in real or personal property to the payment of a judgment of the municipal court.

9. All actions and proceedings in the nature of interpleader and involving $600.00 or less, but parties may interplead as to larger amounts in any action originally instituted involving $600.00 or less.

Section 1558-7. SECTION 7. In all actions or proceedings the municipal court shall have jurisdiction in every ancillary and supplemental proceeding, before and after judgment, including attachment of person or property, arrest before judgment, interpleader, aid of execution and the appointment of a receiver, for which authority is now, or may hereafter be conferred upon the court of common pleas, or a judge thereof, or upon justices of the peace.

Section 1558-8. SECTION 8. The municipal court shall have jurisdiction of all misdemeanors and of all violations of city ordinances of which police courts in municipalities now have

or may hereafter be given jurisdiction. In felonies the municipal court shall have the powers which police courts in municipalities now have or may hereafter be given.

Section 1558-9. SECTION 9. In the actions and proceedings of which the municipal court has jurisdiction, all laws conferring jurisdictions upon a court of common pleas, a police court or a justice of the peace, given such court or officer power to hear and determine such causes, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution or enforcement thereof, shall be held to extend to the municipal court, unless inconsistent with this act or plainly inapplicable.

Section 1558-10. SECTION 10. When the amount due to either party exceeds the sum for which the municipal court is authorized to enter judgment, such party may remit the excess, and judgment be entered for the residue. A defendant need not remit such excess, and may withhold setting it out. A recovery for the amount set off and allowed, or any part of it, shall not be a bar to his subsequent action for the amount withheld.

Section 1558-11. SECTION 11. Whenever the appraised value of property sought to be recovered (save in the excepted instances heretofore set forth) in any action in the municipal court exceeds $600.00, one of the judges of the municipal court shall certify the proceedings in the case to the court of common pleas of Hamilton county and thereupon the clerk of the municipal court shall file the original papers and pleadings, together with a certified transcript of the docket and journal entries in the case, in the office of the clerk of the said common pleas court. The bailiff shall turn over the property in his possession to the sheriff of Hamilton county, to be by him held as in like case originating in the court of common pleas. The case shall then proceed as if it had been commenced originally in the common pleas court.

Section 1558-12. Commencement of actions. SECTION 12. Civil actions and proceedings in the municipal court shall be commenced by filing a bill of particulars upon which summons or writ shall be issued by the clerk. The form of the summons or writ shall be prescribed by rule of court, except as herein otherwise provided.

1. All writs and process in the municipal court shall be served and returned by the bailiff, or by publication in the same manner as is now, or may hereafter be, provided by law for the service and return of writs and process of a police court, or a justice of the peace unless otherwise provided herein.

2. The return day shall be fixed by rule of court not later than seven days after issuance and the summons or writs shall, unless accompanied with an order to arrest, be served at least three days before the time of appearance.

3. In all civil cases in the municipal court the plaintiff shall file a bill of particulars and the defendant shall file a statement of any setoff or counterclaim he may de-

sire to assert. A statement of defense shall be filed in such cases and within such time as may be required by rule of court. In cases where a statement of defense is required the summons shall set forth the date when such statement shall be filed, as fixed by rule of court, which shall be not less than five days after the return day of the summons. The bill of particulars and statement shall set forth in plain and direct language the facts constituting the cause of action, setoff, counterclaim, or defense.

4. To expedite the business and promote the ends of justice the judges may from time to time adopt, publish, and revise rules relating to the matters of practice and procedure, classify the causes of action in the court, and prescribe with reference to each class the degree or particularity with which cause of action, setoff, counterclaim, or defense, shall be set up.

ection 1558-13. SECTION 13. In all criminal cases and proceedings the practice and procedure and mode of bringing and conducting prosecutions for offenses, and the powers of the court in relation thereto, shall be the same as those which are now, or may hereafter be, possessed by police courts in municipalities unless otherwise provided herein.

Practice and procedure in criminal actions.

ection 1558-14. SECTION 14. In addition to the exercise of all the other powers of a judge of said court, the presiding judge shall have the general superintendence of the business of the court and may classify and distribute among the judges the business pending in said court. He shall render a complete annual report to the council of the city of Cincinnati, covering the preceding year, which report shall show the work performed by the court, a summary of all expenses of the civil and criminal branches of the court respectively, a statement of receipts and expenditures, the number of cases heard, decided and settled by the court and by each judge thereof, the number of decisions of the municipal court reversed or affirmed by a reviewing court, the number of days and hours of attendance in court of each judge and such other data as the council may require. Said report shall be printed by the council for free distribution to the public. The conduct of the criminal branch shall be arranged that each judge each year shall devote an equal length of time thereto as nearly as practical. The judges of the court may sit separately or otherwise; shall meet at least once in each month and at such other times as the presiding judge may determine for consideration of the business of the court; shall prescribe forms; establish a system for the docketing of causes, motions and demurrers; adopt and publish rules governing practices and procedure not otherwise provided for in this act; and designate the mode of keeping and authenticating the records of proceedings had before them. The judges or a judge of the court may summon and impanel jurors, tax costs; compel the attendance of witnesses, jurors and parties; issue process; preserve order; punish for contempts; and may exercise all powers which

Powers and duties of presiding judge; report.

General powers and duties.

are now, or may hereafter be, conferred upon the court of common pleas or the judge thereof, or upon justices of the peace, or upon police courts of cities or the judges thereof, or are necessary for the exercise of the jurisdiction herein conferred and for the enforcement of the judgments and orders of the court. Each judge shall at least once each month, make a report, in writing to the presiding judge, of the duties performed by him in such manner and form as the presiding judge may require. Any order made by the presiding judge, under the special powers conferred upon him in this act, may be vacated, amended or modified, by the vote of a majority of the judges of this court.

Section 1558-15. SECTION 15. All causes, both civil and otherwise, in the municipal court shall be tried to the court unless, before the court shall proceed to inquire into the merits of the cause, a jury shall be demanded by either party to the action. In all civil actions, where a jury is demanded, it shall be composed of twelve men, having qualifications of electors, unless the parties agree on a less number. In all actions and proceedings of which police courts in cities have or may hereafter be given jurisdiction, where a jury may be and is demanded, it shall be composed of twelve men having the qualifications of electors. In all civil actions the jury shall return a verdict upon the concurrence of three-fourths or more of their number. Whenever three-fourths of a jury, as herein provided, shall not consist of an integral number, the next number shall be construed to represent three-fourths of such jury.

Jury, number and qualification.

Verdict.

Section 1558-16. SECTION 16. In all actions and proceedings the cost of summoning jurors and the fees of jurors shall be paid out of the treasury of the city of Cincinnati and each juror shall receive two dollars for each day of actual service.

Jurors' fees.

Section 1558-17. SECTION 17. Jurors in the municipal court shall be chosen and summoned in accordance with an ordinance of the council of the city of Cincinnati, or if no such ordinance is enacted, in accordance with a rule of the court. They shall be impaneled in the same manner and challenged for the same causes as jurors in the court of common pleas; they shall have the same qualifications as jurors in the court of common pleas. It shall be the duty of the presiding judge of the municipal court to cause to be interrogated all jurors summoned for service in the municipal court, and to cause to be inquired into the qualifications of said jurors and to cause to be rejected from service as jurors all persons who do not appear to possess the qualifications required by law, and to designate one of the associate judges to conduct the examination of said jurors and the preparation of jury lists and to pass upon the qualifications of jurors.

Summoning and impaneling of jury.

Section 1558-18. SECTION 18. In all causes the municipal court shall have the same authority to set aside a verdict or a judgment, and grant a new trial, as is now, or may hereafter be, conferred upon courts of common pleas.

Setting aside verdict.

ection 1558-19. SECTION 19. The calendar of the municipal court shall be divided into four terms of three months each, beginning respectively on the first of January, April, July and October of each year. The presiding judge of the municipal court may continue the session of any term of said court beyond the time fixed for the commencement of the next term, when such continuance is necessary to finish the trial of any cause or to receive the verdict or pronounce judgment in any cause, the trial of which has been commenced during the term. Calendar.

ection 1558-20. SECTION 20. All lands and tenements, including vested interests therein, and permanent leasehold estates renewable forever, located within the city of Cincinnati, shall be bound for the satisfaction of any judgment rendered in the municipal court from the first day of the term at which judgment is rendered; but judgments by confession, and judgments rendered at the same term at which the action is commenced shall bind such lands, tenements, vested interests and permanent leaseholds only from the day on which such judgments are rendered. Effect of judgments.

Section 1558-21. SECTION 21. The party in whose favor a judgment is rendered by the municipal court may file a transcript of such judgment in the office of the clerk of the court of common pleas, in the same manner and under the same conditions, as are now, or may hereafter be, provided for the filing of transcripts of judgments rendered by justices of the peace; all provisions relative to transcripts of judgments and liens of judgments rendered by justices of the peace, shall, in so far as applicable, be applied to transcripts of judgments and liens of judgments rendered by the municipal court. Transcripts.

Section 1558-22. SECTION 22. The lien of judgment of the municipal court may be enforced in the court of common pleas in the same manner as the lien of a judgment rendered by the court of common pleas. Execution may be issued on such judgments at any time after a transcript thereof has been filed, as if the judgment had been rendered by the court of common pleas; but all liens shall remain as provided in this act. Enforcement of judgments.

Section 1558-23. SECTION 23. The records of the municipal court may be proved by a transcript thereof certified by the clerk of said court under its seal. Proof of records.

Section 1558-24. SECTION 24. The clerk of the municipal court shall make and maintain an alphabetical index of the names of all plaintiffs and defendants to suits filed in said court and of all sureties on any bonds in said court. Index.

Section 1558-25. SECTION 25. When the summons has been served or the first publication made, the action in the municipal court is pending so as to charge third persons with notice of its pendency. While pending, no interest can be acquired by third persons in the subject of the action, as against the plaintiff's title. Notice of pending action.

Section 1558-26. Proceedings in error.

SECTION 26. Proceedings in error may be taken to the court of appeals for Hamilton county from a final judgment or order of the municipal court in the same manner and under the same conditions as provided by law for proceedings in error from the court of common pleas to the court of appeals.

Section 1558-27. Error pertaining to matter of practice.

SECTION 27. No assignment of error in a reviewing court shall be allowed in any action which shall call in question the decision of the municipal court in reference to any matter pertaining to the practice in said court; provided, however, that the reviewing court may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where in the opinion of the reviewing court such relief is necessary to prevent a failure of justice.

Section 1558-28. Laws governing courts of common pleas applicable. Stay of execution.

SECTION 28. The laws governing the court of common pleas as to security for costs, motions for new trials, vacation or modification of judgments before and after terms, the referring of matters to a referee, the issuing of executions and orders for stay of execution, and the taking of depositions shall be held to apply, so far as applicable, to the municipal court. Provided, that a person against whom a judgment has been rendered in the municipal court may stay execution thereon by entering into a bond to the adverse party within ten days after the rendition of such judgment, with sufficient surety, who shall be a freeholder owning real property situated in the city of Cincinnati or a corporation authorized to execute surety bonds in this state, approved by the clerk of the court or a deputy, and conditioned for the payment of the amount of such judgment, interest, costs and costs that accrue. Such bonds shall be entered on the docket of the clerk of the court and shall be signed by such surety.

The stay of execution hereby authorized shall be graduated as follows:

First: On a judgment of $50.00 and under, for ninety days.

Second: On a judgment exceeding $50.00 for one hundred and eighty days.

Section 1558-29. Clerk, election and salary.

SECTION 29. The present clerk of the police court shall be hereafter the clerk of the municipal court until the term for which he was elected shall expire or until his successor is elected and qualified and a clerk of the police court shall not hereafter be elected in the city of Cincinnati. The successors of the first clerk shall be nominated and elected as are other municipal elective officers for a term of four years or until a successor shall be elected and qualified. Such clerk shall receive such compensation payable out of the treasury of Hamilton county not less than $2,000.00 per annum, payable in monthly installments, as the county commissioners may prescribe and such other compensation not less than $2,500.00 per annum, payable in monthly installments out of the treasury of the city of Cincinnati, as the

council may prescribe. Deputies to the clerk shall be designated as hereinafter provided in this act.

Section 1558-30. SECTION 30. The clerk of the municipal court shall have power to administer oaths, and take affidavits and to issue executions upon any judgment rendered in the municipal court, including a judgment for unpaid costs; he shall have power to issue and sign all writs, process and papers issuing out of the court, and to attach the seal of the court thereto; shall have power to approve all bonds, recognizances and undertakings fixed by any judge of the court or by law; shall file and safely keep all journals, records, books and papers belonging or appertaining to the court, record its proceedings and perform all other duties which the judges of the court shall prescribe. He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fines and penalties; and shall pay the same monthly to the treasurer of the city of Cincinnati and take his receipt therefor, but money deposited as security for costs shall be retained by him pending the litigation; he shall keep a book showing all receipts and disbursements, which shall be open for public inspection at all times; and shall on the first Monday of each term of court make to the city auditor a report of all receipts and disbursements for the preceding term. He shall succeed to all and shall have all the powers and perform all the duties of police clerks, and as to the selection of the deputy clerks, he shall have power to appoint a chief deputy and such number of other deputies and assistants as shall be designated from time to time by the council of the city of Cincinnati.

Powers and duties of clerk.

Section 1558-31. SECTION 31. All money deposited as security for costs and all other moneys, other than costs, paid into the municipal court, shall be noted on the record of the cause in which they are paid and shall be deposited by the clerk in such banking institutions as shall be designated by the judges of the court, there to abide the order of the court and to bear interest at not less than two per cent. per annum. On the first Monday in January of each year the clerk shall make a list of the titles of all causes in the municipal court which were finally determined more than one year past, in which there remains unclaimed in the possession of the clerk any of such funds, or any part of a deposit for security of costs not consumed by the costs in the case. The clerk shall give notice of the same to the parties entitled to said moneys, or to their attorneys of record. All such moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the city treasurer provided, however, that any part of such moneys shall be paid by such treasurer at any time to the person having the right thereto upon proper certificate of the clerk of the court.

Unclaimed costs.

Section 1558-32. SECTION 32. Before entering upon the duties of his office the clerk of the municipal court shall make and file in

Bond; vacancy.

the office of the clerk of the city of Cincinnati, a bond in the sum of not less than ten thousand dollars, to be determined by the judges of the court, with two or more sufficient sureties to be approved by the presiding judge, conditioned upon the faithful performance of his duties as such clerk. The said bond shall be given for the benefit of the city of Cincinnati and for the benefit of any persons who may suffer loss by reason of a default in any of the conditions of said bond. A vacancy in the office of clerk of the municipal court shall be filled by the mayor of the city of Cincinnati.

Section 1558-33.

SECTION 33. The chief deputy clerk and not less than three other deputy clerks shall receive such compensation not less than one thousand five hundred dollars per annum as the council may prescribe and such chief deputy clerk shall receive nine hundred dollars and such three other deputy clerks shall receive six hundred dollars, payable out of the treasury of Hamilton county in quarterly installments. The other deputy clerks shall receive such compensation not less than one thousand, two hundred dollars per annum as the council may prescribe. Such part of said salaries as is payable out of the treasury of the city of Cincinnati shall be paid in monthly installments. If desired by the court, the clerk shall designate one deputy to each court room, who shall perform such duties as may be required by the court. The clerk may require any of the deputy clerks to give a bond of not less than one thousand dollars, the terms whereof shall be subject to the approval of the judges of the court. The sureties on said bonds shall be approved and said bonds shall be filed in the manner prescribed for the approval and filing of the clerk's bond.

Deputy clerks and salaries.

Section 1558-34.

SECTION 34. A bailiff and deputy bailiffs shall be designated as hereinafter provided for in this act. They shall perform for the municipal court, services similar to those usually performed by the sheriff for courts of common pleas and by the constable for courts of justice of the peace. The bailiff shall receive such compensation not less than three thousand six hundred dollars per annum and deputy bailiffs shall each receive such compensation not less than one thousand two hundred dollars per annum, payable out of the treasury of the city of Cincinnati in monthly installments as the council may prescribe. Before entering upon his duties, the bailiff shall make and file in the office of the clerk of the city of Cincinnati, a bond in the amount of not less than ten thousand dollars to be approved by the presiding judge. The terms of said bond shall be subject to the approval of the judges of the court. The said bond shall be given for the benefit of the city of Cincinnati and of any persons who shall suffer loss by reason of a default in any of the conditions of said bond. The bailiff may require any of the deputy bailiffs to give a bond of not less than one thousand dollars, the terms whereof shall be subject to the approval of the judges of the court. The sure-

Bailiffs; duties, compensation, bond.

ties on said bonds shall be approved and said bonds shall be filed in the manner prescribed for the approval and filing of the bailiff's bond.

Section 1558-35. SECTION 35. Excepting the clerk, all deputy clerks, bailiff and deputy bailiffs shall be nominated for their respective positions by the clerk and confirmed by the council of the city of Cincinnati. The bailiff shall be appointed by the clerk and hold office during the pleasure of the clerk and the bailiff, deputy clerks and deputy bailiffs may be removed at any time by the clerk who shall thereupon nominate their successors who shall also be confirmed by the council of the city of Cincinnati. Every police officer of the city of Cincinnati shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or any judge thereof.

Selection of clerk, bailiff and deputies.

Section 1558-36. SECTION 36. The costs in said court shall be two dollars in each case, exclusive of witness fees and the costs of summoning the witnesses. Such fees and costs of summoning witnesses shall be fixed in the same manner as is now or may hereafter be, provided for in the court of common pleas, for witness fees and the cost of summoning them. Said costs of two dollars shall be payable in advance upon the institution of any proceeding unless the party instituting same shall be allowed, for good cause shown, by one of the judges to institute his action without payment of such costs. There shall be no advance costs in any criminal proceeding or prosecution but no warrant or order of arrest shall issue without consent of the city solicitor, one of his assistants, one of the judges of the court, or the clerk or his chief deputy.

Costs and how taxed.

Section 1558-37. SECTION 37. The council of the city of Cincinnati shall provide suitable accommodations for the municipal court and its officers, including a private room for such judges and for the clerk and bailiff and sufficient jury rooms. The council shall also provide for the use of the court complete sets of the reports of the supreme and inferior courts of Ohio and such other authorities as it shall be deemed necessary by said council, and shall provide for each court room the latest edition of the General Code of Ohio, and necessary supplies including telephone, stationery, furniture, heat, light and janitor service.

Accommodations and supplies.

Section 1558-38. SECTION 38. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the state and shall be one and three-fourths inches in diameter and shall be surrounded by these words: "The Municipal Court of Cincinnati, Ohio;" and shall have no other words or device engraved thereon.

Seal.

Section 1558-39. SECTION 39. The solicitor for the city of Cincinnati shall also be prosecuting attorney of the municipal court. He may designate such number of assistant prosecutors as the council of the city of Cincinnati may authorize. The persons thus appointed shall be subject to the approval of

Solicitor and assistants.

the city council and such assistants shall receive for their services in city cases such salaries as the council prescribe, and the county commissioners shall allow such further compensation as they deem proper which shall be paid from the county treasury. The prosecuting attorney of the municipal court shall prosecute all cases of a criminal nature brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county. The council of the city of Cincinnati, by ordinance, shall provide for the appointment of one or more interpreters, one or more official stenographers and fix their compensation and provide for the payment of the same out of the city treasury. Probation officers shall have all the powers of regular police officers and shall devote their time to the interests of persons placed on probation. Upon the order of the municipal court or a judge thereof they shall investigate the circumstances of any case that may come before the court for final disposition. Interpreters and stenographers shall be appointed by the judges of the municipal court and serve at their pleasure. The court shall regulate the charge for transcripts of testimony and the receipts therefor shall be paid to the clerk and by him accounted for as in the case of costs paid in. If a member of the police department is appointed probation officer, he shall have the privilege of returning at any time to the active service in the department and to the same rank and standing as he held at the time of appoinment as probation officer.

Interpreters, stenographers and probation officers.

Section 1558-40. SECTION 40. Whenever the incumbent of any office created by this act except the judges shall be temporarily absent or incapacitated from acting, the judges shall appoint a substitute who shall have all the qualifications required of the incumbent of the office. Such appointee shall serve until the return of the regular incumbent, or until his incapacity ceases. Whenever, under the provisions of this act, authority is vested in all the judges constituting said court, such authority shall be exercised in accordance with a majority vote of said judges, including the presiding judge.

Substitute in case of temporary absence.

Section 1558-41. SECTION 41. No justice of the peace in any township in Hamilton county, other than in Cincinnati township, nor mayor of any village or city in any proceeding, whether civil or criminal, in which any warrant, order of arrest, summons, order of attachment or garnishment or other process except subpoena for witnesses shall have been served upon a citizen or resident of Cincinnati or a corporation having its principal office in Cincinnati, shall have jurisdiction, unless such service be actually made by personal service within the township, village or city in which said proceedings may have been instituted or in a criminal matter unless the offense charged in any warrant or order of arrest shall be alleged to have been committed within said township, village or city.

Jurisdiction of justices of the peace.

Section 1558-42. SECTION 42. Any party to any proceeding in the court of any justice of the peace in Cincinnati township, except the party instituting same, may at any time before the introduction of proof therein, cause said proceeding to be removed to the municipal court by filing with said justice of the peace a notice of removal, whereupon such justice of the peace shall prepare a transcript of his docket showing the proceedings and the costs of his court and moneys held by him in such action and thereupon transmit said transcript, all papers in the cause and any money in his hands to the clerk of the municipal court, and shall order the constable to deliver to the bailiff of the municipal court any property held by such constable in such cause, and, the cost of such transcript shall be taxed as part of the costs in said court of said justice of the peace; and thereafter the cause shall proceed in the municipal court as if originally instituted therein, the parties making such amendments to their pleadings as required to conform to the rules of said court.

Removal of proceeding to municipal court.

Section 1558-43. SECTION 43. No justice of the peace in and for Cincinnati township shall hereafter have jurisdiction to issue any warrant or order of arrest or other criminal process. Hereafter there shall be no justices of the peace or constables elected in Cincinnati township.

Abolishment of justices in Cincinnati township.

Section 1558-44. SECTION 44. The municipal court shall succeed to all the dockets of any or all justices of the peace whose terms of office expire, as provided by this act and to all causes and matters pending before such justices of the peace; and such causes and matters shall be disposed of in the same manner by said court as such justices of the peace are empowered to do.

Municipal court shall succeed to all dockets, causes and proceedings of justices.

Section 1558-45. SECTION 45. Until the beginning of the terms of office of the judges elected at the next municipal election after the passage of this act, there shall be appointed by the governor four persons to act as judges of the municipal court who shall receive compensation proportionately equal to the salaries provided for judges of said court and who shall have the power and authority during such period as regularly elected judges under this act, but all entries and orders made shall be subject to confirmation by the presiding judge.

Appointment of judges until election and beginning of term.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 2nd, 1913.
145 L.

[Amended Senate Bill No. 196.]

AN ACT

To provide for a municipal court in the city of Columbus.

Be it enacted by the General Assembly of the State of Ohio:

Section 1558-46. "The Municipal Court of Columbus."

SECTION 1. That there shall be, and hereby is, established in and for the city of Columbus, a municipal court, which shall be a court of record and shall be styled "the municipal court of Columbus," hereinafter designated and referred to as the "Municipal Court."

Section 1558-47. Judges and qualifications.

SECTION 2. The municipal court shall consist of four judges, one of whom shall be annually chosen by its members as presiding judge, and all of whom shall at the time of their election be qualified electors and residents of the city of Columbus, and shall have been admitted to the practice of law for at least five years.

Section 1558-48. Compensation; vacation.

SECTION 3. Judges of the municipal court shall receive such compensation, payable out of the treasury of Franklin county, not less than one thousand dollars per annum, as the county commissioners may prescribe, and such further compensation, not less than twenty-five hundred dollars per annum, payable in monthly installments out of the treasury of the city of Columbus, as the council may prescribe. The vacation of the respective judges of the municipal court shall not exceed sixty days during each year, and shall be at such times as fixed by the judges thereof, but at least two judges shall be in attendance at all times.

Section 1558-49. Removal; vacancies.

SECTION 4. The judges of the municipal court shall be subject to the same disabilities, and may be removed from office for the same causes, and be governed by the same provisions of law as judges of the court of common pleas; and vacancies arising from any cause shall be filled as prescribed for filling vacancies in the common pleas court.

Section 1558-50. Election of judges; term.

SECTION 5. The judges of the municipal court shall be nominated and elected by the electors of the city of Columbus at a municipal election in the same manner as other judicial officers are nominated and elected. The first election of said judges shall be held at the regular municipal election of 1915, at which time four judges shall be elected for a term of four years. At the regular municipal election next preceding the expiration of the terms of office of such judges, their successors shall be elected for a term of four years. The term of office of each judge shall commence on the first day of January next after his election, and he shall hold office until his successor is elected and qualified.

Section 1558-51. Original jurisdiction.

SECTION 6. The municipal court shall have original jurisdiction within the limits of the city of Columbus in the following manner:

1. In all actions and proceedings of which justices of the peace have or may be given jurisdiction.

2. In all civil actions and proceedings at law for the recovery of money or personal property of which the courts of common pleas, have, or may be given jurisdiction, when the amount claimed by any party, or the appraised value of the personal property sought to be recovered, does not exceed five hundred dollars and in such actions judgment may be rendered for an amount over five hundred dollars when the excess over five hundred ($500.00) dollars, shall consist of interest or damages, or costs accrued after the commencement of the action.

3. All actions on contracts, expressed or implied when the amount claimed by the plaintiff, exclusive of all costs, does not exceed five hundred ($500.00) dollars. When a cause rising out of contract is pending in the municipal court and the ends of justice demand that the contract, or contracts, be reformed or cancelled, the municipal court shall have jurisdiction to decree such reformation or cancellation.

4. All actions and proceedings whether legal or equitable, to enforce the collections of its own judgments or the judgment or revivor of judgment heretofore rendered by justices of the peace in Montgomery township, Franklin county, Ohio.

5. All actions and proceedings for the sale of personal property under a chattel mortgage, lien or other charge or incumbrance upon personal property, and for the marshalling of all liens thereon.

6. All actions and proceedings for the sale of real property under the lien of a judgment of the municipal court, or a lien for machinery, material or fuel furnished or labor performed and for the marshalling of all liens thereon.

7. All actions and proceedings in the nature of creditors' bills in aid of execution to subject the interest of a judgment debtor in real or personal property to the payment of a judgment of the municipal court.

8. All actions and proceedings in the nature of interpleader.

9. All actions in forcible entry and detention of real property.

10. The right to perform marriage ceremony; take the acknowledgment of deeds and other instruments, and perform any other duty now given or that may be conferred upon justices of the peace.

Section 1558-52. SECTION 7. The municipal court shall have appellate civil jurisdiction from a court of a justice of the peace in the following cases: Appellate civil jurisdiction.

1. In all actions and proceedings heard and determined in a court of a justice of the peace in and for the township of Montgomery in the county of Franklin.

2. In all actions and proceedings against a resident of the city of Columbus, heard and determined in a court of a justice of the peace in and for any township in the county of Franklin other than Montgomery township.

Section 1558-53. Ancillary and supplemental proceedings.

SECTION 8. The municipal court shall have jurisdiction in all ancillary and supplemental proceedings, before and after judgment, including attachment of person or property, arrest before or after judgment, interpleader, proceedings in aid of execution and the appointment of receivers, in which jurisdiction and authority is now, or may hereafter, be conferred upon the court of common pleas, or a judge thereof, or upon justices of the peace.

Section 1558-54. Misdemeanors.

SECTION 9. The municipal court shall have jurisdiction of all misdemeanors of all violations of city ordinances of which police courts in municipalities now have or may hereafter be given jurisdiction. In felonies the municipal court shall have such jurisdiction as police courts in municipalities now have or may hereafter be given.

Section 1558-55. Further jurisdiction.

SECTION 10. That the law conferring jurisdiction upon the court of common pleas, the police court or a justice of the peace, giving such courts or officer power to hear and determine certain causes, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution or enforcement thereof, shall be held to extend to the municipal court, unless inconsistent with the jurisdiction conferred upon said court by this act or clearly inapplicable.

Section 1558-56. When amount due exceeds certain sum.

SECTION 11. When the amount due to either party exceeds the sum for which the municipal court is authorized to enter judgment, such party may remit the excess, and judgment be entered for the residue. A defendant need not remit such excess and may withhold setting it off. A recovery for the amount set off and allowed, or any part of it, shall not be a bar to his subsequent action for the amount withheld.

Section 1558-57. When appraised value exceeds $500.

SECTION 12. Whenever the appraised value of property sought to be recovered in any action in the municipal court exceeds five hundred ($500.00) dollars, the judge of the municipal court shall certify the proceedings in the case of the court of common pleas of Franklin county and thereupon the clerk of the municipal court shall file the original papers and pleadings together with a certified transcript of the docket and journal entries in the case, with the clerk of the common pleas court. The bailiff shall turn over the property in his possession to the sheriff of Franklin county, to be by him held as in like cases originating in the court of common pleas. The case must then proceed as if it had been commenced in the court of common pleas.

Section 1558-58. Right of appeal from justice's to municipal court.

SECTION 13. In any action in a court of a justice of the peace which is appealable to the municipal court any party thereto may file with said justice, within five days after the rendition of the judgment or the making of a final order therein, a notice in writing that he desires to appeal from said judgment or final order to the municipal court, and forthwith all further proceedings in such action in the court of the justice of the peace shall cease, and the appeal shall be considered as perfected, and the

appellant shall not be required to file bond. Said justice shall thereupon immediately transmit to the clerk of the municipal court all papers in said action a transcript of his docket showing the proceedings and the costs in his court, and any moneys held by him in the action and the justice shall order the constable to turn over any property held by him in the action to the bailiff of the municipal court to be by him held as in like cases originating in the municipal court.

1. When a cause is appealed the statement of claim of the plaintiff shall be filed in the municipal court not later than the fifth day after the notice of appeal was filed with the justice of the peace. Time of filing statement of claim.

2. The statement of the defense shall be filed within such time as is determined by rule of the court, not less than five nor more than fifteen days after the statement of claims of the plaintiff was filed. The case shall then proceed as if it had been commenced in the municipal court. Time of filing statement of defense.

ction 1558-59. SECTION 14. Civil actions and proceedings in the municipal court shall be commenced by summons or writ, the form of which shall be prescribed by rule of court, except as herein otherwise provided. An action or proceeding, shall be commenced on delivery of the summons or writ by the clerk to the bailiff for service. Commencement of civil actions.

1. All writs and process of the municipal court shall be served and returned by the bailiff, or by publication, in the same manner as is now, or may hereafter be, provided by law for the service and return of writs and process in the court of common pleas. Where the manner of service and return of process is not so provided for, service and return may be made in the same manner provided by law for the service and return of process and writs issued by a police court, or a justice of the peace.

2. Summons issued by the municipal court shall be returnable on the fourth day after its date, except when accompanied with an order to arrest, and shall set forth the date when the statement of defense shall be filed, as fixed by rule of court, which shall be within five days after return date of the summons, and the reply to the statement of defense shall be filed within eight days after the return date of summons, or the completion of service by publication; and the answer of defendant to a statement demanding affirmative relief shall be filed on or before the fourth day after the filing of said answer. The court may for good cause shown grant leave to file a pleading or extend the time for filing a pleading upon such terms as the demands of justice may require.

3. In all civil cases in the municipal court plaintiff shall file a statement of his claim and the defendant shall file a statement of his defense, setoff, or counterclaim. The statements herein provided shall set forth in plain and direct language the facts constituting the cause of action, the defense, setoff, or counterclaim.

4. To expedite the business of the court and promote the ends of justice the judges, from time to time shall adopt, publish, and revise the rules relating to matters of practice and procedure, determine the degree of particularity with which a cause of action, setoff, counterclaim, or defense shall be set up.

Section 1558-60. Procedure in criminal actions.

SECTION 15. In all criminal cases and proceedings the practice and procedure and mode of bringing and conducting prosecutions for offenses, and the power of the court in relation thereto, shall be the same as those which are now, or may hereafter be, conferred upon police courts in municipalities.

Section 1558-61. General powers and duties.

SECTION 16. The judges of the municipal court may classify and arrange the business therein, and assign to each of the judges such portion of the business as may be thought proper, and such business may be disposed of by all or any number of the judges sitting together, or each sitting separately. Such judges may make rules and regulations for the government of the officers of the court as they deem proper for the efficient transaction of business, and shall make a report of the business transacted in said court to the city council of the city of Columbus, when so required by said council, and shall prescribe forms, establish a system for the docketing of causes, motions and demurrers, adopt and publish rules governing practice and procedure, and designating the mode of keeping and authenticating the records of proceedings had before them. The judges or a judge of the court may summon and impanel jurors, tax costs, compel the attendance of witnesses, jurors and parties, issue process, preserve order, punish for contempt, and may exercise all powers which are now or may hereafter be conferred upon the court of common pleas or the judges thereof, or upon justices of the peace, or upon police courts of cities or the judges thereof, necessary for the exercise of the jurisdiction herein conferred and for the enforcement of the judgments and the orders of the court.

Section 1558-62. Proceedings in error.

SECTION 17. A judgment rendered, or final order made, by any justice of the peace from whose court appeal may be had by the provisions of this act to the municipal court, may also be vacated, modified or reversed, by the municipal court and the proceedings in error in a proper case shall be the same as are now, or may hereafter be, provided for proceedings in error from a justice of the peace to the court of common pleas, and the justice shall order the constable to turn over any property in his possession to the bailiff of the municipal court to be by him held as in like cases originating in the municipal court.

Section 1558-63. When municipal court shall not have jurisdiction in either appeal or error.

SECTION 18. The municipal court shall have no jurisdiction in either appeal or error, when any party to an action in a court of a justice of the peace shall have perfected error or appeal proceedings to the court of common pleas, and if the action has been taken on error or appeal to the court of common pleas, all proceedings in the municipal

court shall thereupon cease, and the clerk of the municipal court shall transmit all papers and moneys held by him in the action and certify the costs, to the clerk of the common pleas court, and the bailiff of the municipal court shall turn over any property held by him in the action to the sheriff of Franklin county, to be held by him as in like cases originating in the court of common pleas.

ection 1558-64. SECTION 19. All causes in the municipal court shall be tried to the court unless, before the court shall proceed to inquire into the merits of the cause, a jury shall be demanded by either party to the action. In all civil actions, where a jury is demanded, it shall be composed of six lawful men, having qualifications of electors, unless the parties agree on a less number. Provided, however, that any party may demand a jury of twelve men. In all actions and proceedings of which police courts in cities have or may be given jurisdiction, where a jury may be and is demanded, it shall be composed of twelve lawful men having the qualifications of electors.

Jury, number and qualification.

ection 1558-65. SECTION 20. In all civil actions and proceedings the cost of summoning jurors and the fees of jurors shall be taxed as part of the costs.

Costs.

ection 1558-66. SECTION 21. Jurors in the municipal court shall be chosen and summoned in accordance with an ordinance of the council, of the city of Columbus, or if no such ordinance is enforced, in accordance with a rule of the court. They shall be impaneled in the same manner and challenged for the same causes as jurors in the court of common pleas; they shall have the same qualifications and receive the same fees as jurors in the court of common pleas; their fees shall be paid out of the treasury of the city of Columbus. It shall be the duty of the judges of the municipal court to cause to be interrogated all jurors summoned for service in the municipal court, and to cause to be inquired into the qualifications of said jurors and to reject from service as jurors all persons who do not appear to possess the qualifications required by law.

Summoning and impaneling jury.

ection 1558-67. SECTION 22. In all causes the municipal court shall have the same authority to set aside a verdict or a judgment, and grant a new trial, as is now, or may hereafter be, conferred on courts of common pleas.

New trial.

ection 1558-68. SECTION 23. The calendar of the municipal court shall be divided into four terms of three months each, beginning respectively on the first day of January, April, July and October of each year. The judges of the municipal court may continue the session of any term of said court beyond the time fixed for the commencement of the next term, when such continuance is necessary to finish the trial of any cause or to receive the verdict, or pronounce judgment in any cause, the trial of which has been commenced during the term.

Calendar.

ection 1558-69. SECTION 24. All lands and tenements, including vested interests therein, and permanent leasehold estate renewable forever, located within the city of Columbus, shall be bound

Effect of judgments.

for the satisfaction of any judgment rendered in the municipal court from the first day of the term at which judgment is rendered; but judgments by confession, and judgments rendered at the same term at which the action is commenced shall bind such lands, tenements, vested interests and permanent leaseholds only from the day on which such judgments are rendered.

Section 1558-70. Transcripts.

SECTION 25. The party in whose favor a judgment is rendered by the municipal court may file a transcript of such judgment in the office of the clerk of the court of common pleas, in the same manner and under the same conditions, as are now, or may hereafter be, provided for the filing of transcripts of judgments rendered by justices of the peace; all provisions relative to transcripts of judgments and liens of judgments rendered by justices of the peace, shall in so far as applicable, be applied to transcripts of judgments and liens of judgments rendered by the municipal court.

Section 1558-71. Enforcement of judgments.

SECTION 26. The lien of a judgment of the municipal court may be enforced in the court of common pleas in the same manner as the lien of a judgment rendered by the court of common pleas. Execution may be issued on such judgment at any time after a transcript thereof has been filed, as if the judgment had been rendered by the court of common pleas; but all liens shall remain as provided in this act.

Section 1558-72. Proof of records.

SECTION 27. The records of the municipal court may be proved by the production of the original records, or by the transcript thereof certified by clerk of said court under its seal.

Section 1558-73. Index.

SECTION 28. The clerk of the municipal court shall make and maintain an alphabetical index of the names of all plaintiffs and defendants to suits filed in said court.

Section 1558-74. Notice of pending action.

SECTION 29. When the summons has been served or the publication made, the action in the municipal court is pending so as to charge third persons with notice of the pendence. While pending, no interest can be acquired by third persons in the subject of action, as against the plaintiff's title.

Section 1558-75. Proceedings in error.

SECTION 30. Proceedings in error may be prosecuted to the court of common pleas of Franklin county from a judgment or final order of the municipal court in the same manner and under the same conditions as provided by law for proceedings in error from the court of common pleas to the circuit court. In such case the clerk and the bailiff of the municipal court shall turn over any moneys or property held by either of them in the action to the clerk and the sheriff respectively of Franklin county, to be by them held as in like cases originating in the court of common pleas.

Section 1558-76. Error pertaining to matter of practice.

SECTION 31. No assignment of error in a reviewing court shall be allowed in any action which shall call in question the decision of the municipal court in reference to any matter pertaining to the practice in said court; provided,

however, that the reviewing court may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where in the opinion of the reviewing court such relief is necessary to prevent a failure of justice.

Section 1558-77. SECTION 32. The laws governing the court of common pleas as to security for costs, motions for new trials, vacation or modification of judgment before and after terms, the referring of matters to a referee, the issuing of execution and orders for stay of execution, and the taking of depositions, shall be held to apply, so far as applicable, to the municipal court. Provided, that a person against whom a judgment has been rendered in the municipal court may stay execution thereon by entering into a bond to the adverse party within ten days after the rendition of such judgment, with sufficient surety, a freeholder owning real property situated in the city of Columbus or a corporation authorized to execute surety bonds in this state, approved by the clerk of the court or a deputy, and conditioned for the payment of the amount of such judgment, interest, costs and costs that accrue. Such bonds shall be entered on the docket by the clerk of the court and shall be signed by such surety. Where a freeholder of the city of Columbus is a surety, said undertaking shall be a lien on the real property of said freeholder situated in the city of Columbus from the time of signing the undertaking until the judgment and all costs in the case upon which the stay of execution has been granted are satisfied.

Laws governing courts of common pleas, applicable.

Stay of execution.

The stay of executions hereby authorized shall be graduated as follows:

First: On a judgment for $50.00 and under, for one hundred and fifty days.

Second: On a judgment exceeding $50.00 for one hundred and eighty days.

Section 1558-78. SECTION 33. There shall be a clerk of the municipal court, who shall have such powers and shall perform such duties as are herein given and required, and who shall be elected at the regular municipal election to be held in November, 1915, for a term of four years. He shall receive such compensation payable out of the treasury of Franklin county, not to exceed one thousand dollars per annum, as the county commissioners may prescribe, and such further compensation, not to exceed two thousand dollars per annum, payable in monthly installments out of the treasury of the city of Columbus, as the council thereof may prescribe.

Clerk, election and salary.

At the regular municipal election next preceding the expiration of the term of office of the clerk, a successor shall be elected for a term of four years. The term of office of clerk shall commence on the first day of January next after his election, and he shall hold office until his successor is elected and qualified.

The said clerk shall appoint a chief deputy clerk, who shall receive such compensation, not to exceed two thou-

Chief deputy and deputy clerks.

sand dollars per annum, and six deputy clerks, who shall receive such compensation, not to exceed fifteen hundred dollars each per annum, payable in monthly installments out of the treasury of the city of Columbus, as the council thereof may prescribe; but further deputies may be provided for, by the council of the city of Columbus on the recommendation of the judges of the municipal court.

Assignment clerk.

The judges of the municipal court or a majority thereof may appoint an assignment clerk, whose duty shall be to assign cases for trial, issue for witnesses, and to do such other duties, similar to those performed by the assignment commissioner of the common pleas court, as said judges may direct, and shall receive such compensation therefor, not to exceed fifteen hundred dollars per annum, payable in monthly installments out of the treasury of the city of Columbus, as the council thereof may prescribe.

Section 1558-79.

Powers and duties of clerk and deputies.

SECTION 34. The clerk and deputy clerks shall perform such duties as may be directed and required by the court. The clerk and deputy clerks of the municipal court shall have general power to administer oaths and take affidavits, and to issue executions upon any judgment rendered in the municipal court, including a judgment for unpaid costs; the clerk shall have power to issue and sign all writs, process and papers issuing out of court, and to attach the seal of the court thereto; to approve all bonds, recognizances and undertakings required or fixed by any judge of the court or by law; he shall file and safely keep all journals, records, books and papers belonging or appertaining to the court, including all records of its proceedings, and he shall perform all other duties which the judges of said court shall prescribe. He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fees, fines and penalties, and shall pay the same quarterly to the treasurer of the city of Columbus, and take his receipt therefor, except as otherwise provided by law; but money deposited as security for costs shall be retained by him pending the litigation; he shall keep a book showing all his receipts and disbursements, which shall be open for public inspection at all times; and he shall on the first Monday of each term of court make to the city auditor a report of all receipts and disbursements for the preceding term. He shall succeed to and have the powers and perform all the duties of police clerks in Ohio, except as to the appointment of deputy clerks.

Section 1558-80.

Deposit of moneys.

SECTION 35. All money deposited as security for costs and all other moneys other than costs, paid into the municipal court, shall be noted on the record of the cause in which they are paid and shall be deposited by the clerk in such banking institutions as shall be designated by the judges of the court, there to abide the order of the court and to bear interest at not less than two per cent. per annum. On the first Monday in January of each year the clerk shall

make a list of the titles of all causes in the municipal court which were finally determined more than one year last past, in which there remains unclaimed in the possession of the clerk any funds, or any part of a deposit for security for costs not consumed by the costs in the case. The clerk shall give notice of the same to the parties entitled to said moneys, or to their attorneys of record. All such moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the city treasurer provided, however, that any part of such moneys shall be paid to the person having the right thereto upon proper certificate of the clerk of the court.

Unclaimed costs.

Section 1558-81. SECTION 36. Before entering upon the duties of his office the clerk of the municipal court shall make and file in the office of the clerk of the city of Columbus a bond in the sum of not less than ten thousand ($10,000.00) dollars, to be determined by the judges of the court, with two or more sufficient sureties to be approved by the city council of Columbus, conditioned upon the faithful performance of his duties as such clerk. The said bond shall be given for the benefit of the city of Columbus and for the benefit of any persons who may suffer loss by reason of a default in any of the conditions of said bond. A vacancy in the office of clerk of the municipal court shall be filled by the mayor for the unexpired term.

Bond of clerk; vacancy.

Section 1558-82. SECTION 37. Before entering upon the duties of their office the chief deputy clerk or deputy clerks of the municipal court shall make and file in the office of the clerk of the city of Columbus a bond in the sum of not less than one thousand dollars, to be determined by the judges of the court, to be conditioned, approved in similar manner, and for the same purpose and benefit as that required by the chief clerk.

Bond of deputies.

Section 1558-83. SECTION 38. The judges of the municipal court shall appoint a bailiff, and not exceeding four deputy bailiffs, unless a larger number shall be authorized by the council of the city of Columbus, who shall hold office during the pleasure of said court. The bailiff and his deputies shall perform for the municipal court services similar to those usually performed by the sheriff and his deputies for the court of common pleas and by the constables for justices of the peace. They shall be governed by the laws pertaining to sheriffs and deputies, and shall serve all process of said court in the manner provided by this act, the laws relative to sheriffs, and the rules of the court. The bailiff shall receive such compensation not to exceed eighteen hundred dollars per annum, payable in monthly installments out of the treasury of the city of Columbus, as the council thereof may prescribe, and each deputy bailiff shall receive such compensation, not to exceed twelve hundred dollars per annum, payable in monthly installments out of the treasury of the city of Columbus, as the council thereof may prescribe. Before entering upon the duties of their office, the bailiff and the deputy bailiffs of the municipal court shall

Bailiffs; duties, compensation, bond.

make and file in the office of the clerk of the city of Columbus bonds, the bailiff in a sum not less than two thousand dollars and the deputies each in a sum of not less than one thousand dollars, to be determined by the judges of the court, with two or more sufficient sureties or authorized bonding company, to be approved by the city council of Columbus. The terms of said bonds shall be subject to the approval of the council of the city of Columbus, and said bonds shall be given for the benefit of said city of Columbus and for any person who shall suffer by reason of any default in any of the conditions of said bonds. It shall be the duty of the court to see that none of said officers enter upon the discharge of their duties until their bonds are filed and approved.

The bailiff and each deputy shall be allowed from the treasury of the city of Columbus the sum of three hundred dollars per annum to cover necessary expenses in serving the process of the court, payable in equal monthly installments, but if at any time the council of the city of Columbus deems it advisable, it may on the recommendation of the court furnish conveyance in lieu of said amount.

Section 1558-84. Police officer, deputy bailiff ex-officio.

SECTION 39. Every police officer of the city of Columbus shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or any judge thereof.

Section 1558-85. Costs, how taxed.

SECTION 40. Except as otherwise provided for in this act, in actions wherein said municipal court has jurisdiction concurrent with a court of a justice of the peace the fees and costs shall be the same and taxed in the same manner as is now, or may hereafter be provided for actions heard and determined in a court of a justice of the peace. In other actions the fees and costs shall be the same, and taxed in the same manner, as is now, or may hereafter be, provided for actions heard and determined in the court of common pleas. In criminal cases all fees and costs shall be the same as now fixed in the police court of said city. The judges of the municipal court may by rule of court provide in all cases not covered by this act a standard of fees and costs.

Section 1558-86. Accommodations and supplies.

SECTION 41. The council of the city of Columbus shall provide suitable accommodations for the municipal court and its officers including a private room for each judge and sufficient jury room. The council shall also provide for the use of the court complete sets of the reports of the Ohio supreme and such inferior courts of Ohio and such other authorities as are deemed necessary, and shall provide for each court room the latest edition of the General Code of Ohio, and necessary supplies including telephone, stationery, furniture, heat, light, and janitor services.

Section 1558-87. Seal.

SECTION 42. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the state and shall be one and three-fourths inches in diameter and shall be surrounded by these words, "The

Municipal Court of Columbus, Ohio'' and shall have no other words or device engraved thereon.

Section 1558-88. SECTION 43. The solicitor for the city of Columbus shall also be prosecuting attorney of the municipal court. He may designate such number of assistant prosecutors as the council of the city of Columbus may authorize. The persons thus appointed shall be subject to the approval of the city council and such assistants shall receive for their services in city cases such salaries as the council may prescribe, which shall be paid from the city treasury, and the county commissioners may allow such further compensation as they deem proper, which shall be paid from the county treasury. Solicitor and assistants.

The prosecuting attorney of the municipal court shall prosecute all criminal and misdemeanor cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

The council of the city of Columbus by ordinance, shall provide for the appointment of one or more interpreters and one or more persons to be known as probation officers. Probation officers shall have all the powers of regular police officers and shall devote their time to the consideration of persons placed upon probation. Upon the order of the municipal court, or a judge thereof, they shall investigate the circumstances of any case that may come before the court for final jurisdiction. Interpreters and probation officers.

Probation officers and interpreters may be appointed by the judges of the municipal court, and serve at their pleasure. They shall receive such compensation as the council by ordinance may prescribe. If a member of the police department is appointed probation officer, he shall have the privilege of returning at any time to the active service in the department and to the same rank and standing as he held at the time of appointment as probation officer.

Section 1558-89. SECTION 43. The municipal court may appoint a person, who shall be an attorney at law, who shall be known as the public defender, who shall hold his office at the pleasure of the court. Public defender; salary.

Section 1558-90. SECTION 44. The council of the city of Columbus shall fix the compensation of such officer, which shall not be less than eighteen hundred ($1,800.00) dollars per annum.

Section 1558-91. SECTION 45. Such officer shall act as counsel for all persons charged in such court or in the police court of the city of Columbus, with any offense, provided however, that the person so charged shall make it appear to such officer of the court that he is unable to employ counsel, and further that he requires the assistance of counsel. In acting as counsel for persons so charged, such officer shall assist the court in ascertaining the truth respecting such charges and preventing injustice being done such person, and he shall not make any defense for such person that would hinder the court in ascertaining the truth of the charge Duties.

or which might obstruct the speedy disposition of cases before such court.

Section 1558-92. Substitute in case of temporary absence.

SECTION 46. When the incumbent of any elective office created by this act except that of clerk shall be temporarily absent or incapacitated from acting, the judges shall appoint a substitute, who shall have all the qualifications required of an elective incumbent of the office. Such appointee shall serve until the return of the regular incumbent, or until his incapacity ceases.

Vacancies.

Any vacancy which may occur in any elective office created by this act not otherwise provided for shall be filled by appointment of the governor until a successor is elected and qualified. Every such vacancy shall be filled by election at the first municipal election taking place more than thirty days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term.

Wherever under the provisions of this act authority is vested in all the judges constituting said court, such authority shall be exercised in accordance with a majority vote of said judges including presiding judge.

Section 1558-93. Abolishment of certain offices.

SECTION 47. On and after the first day of January, 1916, the offices of judge and clerk of the police court of the city of Columbus, and the office of justice of the peace in and for Montgomery township, Franklin county, shall be and the same are hereby abolished.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 2nd, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
146 L.

[Amended Senate Bill No. 178.]

AN ACT

To create the agricultural commission of Ohio and to prescribe its organization, its powers and its duties, to repeal sections 368 to 381 inclusive, 776, 1079 to 1177 inclusive, 1387 and 1389 inclusive, and to amend sections 1390 to 1394 inclusive, 1405, 1411, 1421, 1423, 1424, 1435, 1437, 1438, 1445, 1446, 1453, 1454, 1455, 1460, 1485, 265, 485, 1313, 1850, 2269, 2274, 2616, 3357, 5782, 6087, 6088, 6089, 6091, 6336, 7965, 7965-1, 9916 to 9921 inclusive, 12521, 12523, 12672, 12673, 12743, 12757, 12794 and 12798 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 1079. Agricultural commission; appointment, term, vacancies, removal.

SECTION 1. There shall be an agricultural commission of Ohio and by that name the commission may sue and be sued. The agricultural commission shall consist of four members, three of whom shall be appointed by the gover-

nor with the advice and consent of the senate; and the fourth member shall be appointed by the board of trustees of the Ohio state university; but not more than two of the four shall be of the same political party; and all of whom shall be directly identified with agriculture or agricultural education. Within thirty days from the time that this act shall take effect, the governor shall with the advice and consent of the senate appoint a member who shall serve two years, another who shall serve four years, and another who shall serve six years; and thereafter each member appointed by the governor shall be appointed and confirmed for a term of six years. Vacancies shall be filled in the same manner for unexpired terms. They shall be subject to removal as may be provided by law. The member appointed by the board of trustees of the Ohio state university shall be appointed by them and removed by them as is provided by law for the appointment and removal of professors of the Ohio state university. The governor shall be ex-officio a member of this commission.

Section 1080. SECTION 2. Before entering upon the discharge of the duties of his office each commissioner shall take and subscribe to an oath of office, which oath in writing shall be filed in the office of the secretary of state. Oath of office.

Section 1081. SECTION 3. Each of the members of the agricultural commission of Ohio shall receive from the state an annual salary of five thousand dollars payable in the same manner as other state officers are paid. Salary.

Section 1082. SECTION 4. Before entering upon the duties of his office each member shall give a bond in the sum of twenty-five thousand dollars, with a sufficient surety or sureties which shall be approved by the treasurer of state; and after such approval such bond shall be filed with the treasurer of state. If such bond is executed by a surety company the premiums thereon shall be paid out of the funds appropriated for the expense of the commission. Each commissioner shall devote his entire time to the performance of the duties imposed upon him by this act. Bond.

Section 1083. SECTION 5. Immediately upon the appointment of the commission, and biennially thereafter, the commissioners shall meet at the office of the agricultural commission and elect a chairman, who shall serve for two years and until his successor is elected. Place of meeting and election of chairman.

Section 1084. SECTION 6. Three members of the commission shall constitute a quorum to transact business. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission as long as three remain. Quorum.

Section 1085. SECTION 7. Any investigation, inquiry or hearing which the agricultural commission is empowered by law to hold or to undertake, may be held or undertaken by or before any one member of the commission or before any member or members of the commission. All investigations, inquiries, hearings, decisions, and orders made by any one or any two members of the commission shall when ap- Hearing before one or more members.

proved and confirmed by the agricultural commission be deemed to be the order of the agricultural commission, and each member shall be responsible to the commission for the general work of that one of the institutions or activities which the commission may allot to him; all matters of general policy shall be decided by the entire commission.

Section 1086. Place of office; equipment and supplies.

SECTION 8. The agricultural commission shall maintain its office in the state capitol in the city of Columbus and shall provide a suitable room or rooms, necessary office furniture, stationery, books, periodicals, maps, instruments and other necessary supplies. The agricultural commission may hold sessions at any place within the state. The necessary expense shall be audited and paid as other expenses are audited and paid.

Section 1087. Authorized to employ secretary, clerks, experts, etc., and fix compensation.

SECTION 9. The agricultural commission is authorized to employ a secretary, heads of bureaus, experts, clerks, stenographers and other assistants and employes, and to fix their compensation and these and all similar acts involving expenditures of money shall be subject to the approval of the governor. The commissioners, secretary, experts, clerks, stenographers and other assistants and employes that may be employed, shall be entitled to receive from the state their actual and necessary traveling expenses while traveling on the business of the agricultural commission. Such expenses shall be itemized and certified to by the person who incurred the expense, and allowed by the agricultural commission.

Section 1088. Duties of secretary.

SECTION 10. The secretary shall take and subscribe to an oath similar to that of the commissioners, keep full and correct records of all transactions and proceedings of the agricultural commission and perform such other duties as may be required by the commission.

Section 1089. Commission succeeds to the rights, authority and powers of certain other departments and boards.

SECTION 11. The agricultural commission shall succeed to and be possessed of the rights, authority and powers now exercised by the state board of agriculture, the secretary of the state board of agriculture, the board of live stock commissioners, the board of control of the state agricultural experiment station, the state dairy and food commissioner, the commission of fish and game, the state board of veterinary examiners and the state board of pharmacy, except such duties as are conferred on said state board of pharmacy by sections 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311 and 1312. The board of trustees of the Ohio state university shall arrange for the extension of the teachings of agriculture and domestic science of the university as provided in sections 7973 and 7974 of the General Code, and carry on the work and extension authorized and directed by such sections under the direction and supervision of the agricultural commission. The commission is empowered to make such transfers, changes and consolidations of the work of the above named departments as it may deem necessary. The commission shall also succeed

to and be in control of all records, land, moneys, appropriations and other property, real or personal, now or hereafter held for the benefit of said respective departments of the state government, the same to be held in trust for the state of Ohio. Said boards, officers and departments to whose powers and authority the agricultural commission succeeds shall on and after the 15th day of July, 1913, have no further legal existence, and the agricultural commission is hereby authorized and directed to assume and continue as successor of said respective boards, officers and departments, and shall continue the construction, control and management of all of said departments of the state government above enumerated, subject to the provisions of this act, and shall have power and authority to establish bureaus of fair administration; live stock diseases; nursery and orchard and bee inspection; fertilizer, lime, fungicide, insecticide and feedstuffs inspection; sanitary inspection; food inspection; statistics; chemistry and bacteriology; and it shall have power to establish a state chemical and bacteriological laboratory in which all analyses in connection with law enforcement may be made, and the commission is further authorized and empowered to establish such other bureaus and departments as it deems necessary.

Section 1090. Member in charge of college of agriculture.

SECTION 12. The member of the agricultural commission who is appointed by the board of trustees of the Ohio state university shall, subject to the control of the trustees of the Ohio state university, have general charge of the college of agriculture of the Ohio state university.

Section 1091. Commission may accept and hold grants, devises and bequests.

SECTION 13. The agricultural commission may accept and hold on behalf of Ohio any grant, gift, devise or bequest of money or property made to or for the use of the commission or for promoting any part of the public welfare that shall be under the supervision and control of the commission. The agricultural commission shall have full power to contract for and carry out the terms and conditions of any devise, grant, gift, or donation that may be made for the purpose of carrying out the objects and purposes of this act.

Section 1092. Meeting of commission with presidents and delegates of county societies.

SECTION 14. On the first Thursday after the second Monday of January of each year, there shall be a meeting in Columbus of the agricultural commission of Ohio, together with the presidents, or authorized delegates of county agricultural societies organized under the laws of the state and conducted under the rules of the agricultural commission and holding fairs as provided by law, for the purpose of deliberation and consultation as to wants, prospects, and conditions of agriculture throughout the state. The agricultural commission shall provide a uniform method for the election of directors and officers of all county and district agricultural societies, receiving any support whatsoever out of the state or county treasuries, and provide rules and regulations under which such county agricultural societies shall be conducted. At such meeting the reports

from county agricultural societies shall be delivered to the agricultural commission.

Section 1093. How county having no society represented.

SECTION 15. In a county having no agricultural society so organized and conducted, the presidents or a majority of them, of the farmers' institutes of the county holding meetings under the direction of the agricultural commission may choose a representative to such annual meeting, who, upon a proper certificate of his appointment, shall be entitled to all the privileges conferred on representatives from county agricultural societies.

Section 1094. Annual exhibit. How moneys received shall be credited. Custody of state fair grounds.

SECTION 16. The agricultural commission shall hold an annual exhibit of the agricultural and general productive industries of the state, and may make rules for the payments of premiums to exhibitors. The state agricultural fund shall be at the disposal of the agricultural commission for the improvement of the agricultural interests of the state. All moneys derived from the provision of this act shall be paid to the agricultural commission and by it paid into the state treasury upon the draft of the auditor of state and be credited to an agricultural division of the general revenue fund. When escheated property is legally reclaimed by an heir, the state agricultural fund shall be held subject to the payment to the purchaser from the state of so much of the original purchase money as it received, with legal interest to the time of reclamation. The agricultural commission shall have the custody of the land, buildings, and other property at the state fair grounds at Columbus and shall use the same for agricultural purposes and may permit the use of the same by persons, firms, associations or corporations for such exposition purposes and under such conditions as the agricultural commission from time to time prescribes.

Section 1095. Collection and dissemination of agricultural information.

SECTION 17. The agricultural commission may collect and disseminate such information relative to agriculture, agricultural labor, waste and uncultivated land, undeveloped resources and decrease of rural population as it may deem wise for the purpose of promoting agricultural production within this state.

Section 1096. Conferences with officers of U. S. and other states.

SECTION 18. The agricultural commission may confer and meet with officers of other states and officers of the United States on any matter pertaining to its official duties.

Section 1097. Assessing officer shall furnish information.

SECTION 19. The assessing officer shall furnish to the agricultural commission upon request from it, upon blanks furnished by the commission, such information as may be in their possession or may be obtained by them relative to agriculture, agricultural labor, waste and uncultivated lands, undeveloped resources and decrease of rural population, within their respective townships. Such information shall be obtained as nearly as possible by each assessing officer while engaged in the performance of his other official duties. No additional expense shall accrue because of the provisions of this section. The service performed agreeable to this section shall be considered a part of the duties of assessing officers. Each assessing officer before receiv-

ing compensation for services rendered shall file with the county auditor a written statement that to the best of his ability he has complied with the provisions of this section.

Section 1098. SECTION 20. The agricultural commission shall adopt reasonable and proper rules and regulations to govern its proceedings and to regulate the mode and manner of all investigations, inspections and hearings not otherwise specifically provided for.

Rules and regulations.

Section 1099. SECTION 21. Sessions of the agricultural commission shall stand and be adjourned without further notice thereof on its records. All of the proceedings of the agricultural commission shall be shown on its records of proceedings, which shall be a public record, and all voting shall be by calling each member's name by the secretary and each member's vote shall be recorded on the record of proceedings as cast.

Record of proceedings.

Section 1100. SECTION 22. The agricultural commission or any member thereof, the secretary and every person appointed by the commission to conduct investigations, inquiries or hearings shall, for the purposes contemplated by this act have power to administer oaths, certify to official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

Power to administer oaths, certify official acts, etc.

Section 1101. SECTION 23. To carry out the purposes of the laws which it is required to administer, the agricultural commission, or any commissioner, or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect books, accounts, records and memoranda of any company, firm, corporation, person, association or co-partnership, subject to the provisions of such laws, and to examine under oath, any person, including any officer, agent or employe of any such company, firm, corporation, person, association or co-partnership. Any person, other than one of such commissioners, who shall make such demand, shall produce his authority to make such inspection.

Inspection of books, accounts, records, etc.

Section 1102. SECTION 24. The agricultural commission may require, by order or subpoena, to be served on any company, firm, corporation, person, association or co-partnership in the same manner that a summons is served in a civil action at such time and place as it may designate, the production of any books, accounts, papers or records kept by it in any office or place within or without the state of Ohio, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction. Any such company, firm, corporation, person or co-partnership, failing or refusing to comply with any such order or subpoena, shall, for each day it so fails or refuses, forfeit and pay into the state treasury a sum of not less than fifty dollars nor more than five hundred dollars.

Commission may require production of books, papers, etc.

Section 1103. SECTION 25. For the purpose of making any investigation with regard to any company, firm, corporation, person,

association or co-partnership, subject to the provisions of the laws which the agricultural commission is required to administer, the commission shall have power to appoint, by an order in writing, an agent whose duties shall be prescribed in such order. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted by law to the agricultural commission and the same powers as a notary public, with regard to the taking of depositions; and all powers given by law to a notary public relative to depositions are hereby given to such agent. Except in his report to the agricultural commission, or when called on to testify in any court or proceeding, any such agent who shall divulge any information acquired by him in respect to the transactions, property or business of any company, firm, corporation, person, association or co-partnership, while acting or claiming to act under such order, shall be fined not less than fifty dollars nor more than one hundred dollars, and shall thereafter be disqualified from acting as agent in any other capacity under the appointment or employment of the agricultural commission.

Appointment of agent for investigation; powers and duties.

Section 1104. SECTION 26. The agricultural commission may conduct any number of such investigations, contemporaneously, through different agents, and may delegate to any agent the taking of all testimony bearing upon any investigation or hearing. The decision of the agricultural commission shall be based upon its examination of all testimony and records. The recommendations made by an agent shall be advisory only, and shall not preclude the taking of further testimony, if the agricultural commission so order, nor further investigation.

Contemporaneous investigations; decisions.

Section 1105. SECTION 27. The attorney general shall be the legal adviser of the agricultural commission in all matters relating to its powers and duties and the secretary of state shall furnish to the commission such stationery as it requires for the proper discharge of its duties, and blank books necessary to record its transactions.

Legal adviser; books and stationery.

Section 1106. SECTION 28. Upon the request of the agricultural commission, the attorney general, or under his direction, the prosecuting attorney of any county, shall aid in any investigation, hearing or trial had under the laws which the commission is required to administer, and shall institute and prosecute all necessary actions or proceedings for the enforcement of such laws, and for the punishment of all violations thereof, arising within the county in which he was elected.

Who shall institute and prosecute actions.

Section 1107. SECTION 29. On the first day of January, April, July and October of each year, the agricultural commission shall file with the auditor of state a verified, itemized, quarterly statement of all receipts and expenditures. In its annual report, the agricultural commission shall make a complete statement of its financial transactions.

Quarterly statement of receipts and expenditures.

Section 1108. SECTION 30. The agricultural commission shall promote and protect the live stock interests of the state, pre-

vent the spread of dangerously infectious and contagious diseases, and co-operate with the bureau of animal industry of the United States department of agriculture in such work. The agricultural commission may use all proper means in the prevention of the spread of dangerous by infectious and contagious diseases among domestic animals and in providing for the extermination of such diseases. Duty of commission as to live stock interests.

Section 1109. SECTION 31. The agricultural commission shall appoint a competent veterinarian who shall perform the duties prescribed by the commission and be subject to its rules and regulations. The veterinarian so appointed shall receive such compensation as the commission may fix. In case of an outbreak of disease among animals, if it deem it advisable, the commission may appoint temporarily additional veterinarians or other persons for special work in connection with its duties, and fix their compensation. Veterinarian; appointment, duties.

Section 1110. SECTION 32. Sheriffs and constables in the several counties shall execute all lawful orders of the agricultural commission in such counties, and immediately communicate to the commission any notice given them under the provisions of law relating to live stock. Who shall execute orders.

Section 1111. SECTION 33. In the enforcement of the laws relating to the promotion and protection of the live stock interests of this state, and the rules and regulations adopted by the agricultural commission, its authorized officers, agents or employes may enter a building where live stock is housed, a railway car, boat or other conveyance, used in the transportation of live stock, and upon any premises public or private. Right of entry in enforcement of laws.

Section 1112. SECTION 34. If a person owns or has in charge an animal which he knows or has reason to believe is affected with a dangerously contagious or infectious disease, he shall give notice of such fact immediately to the agricultural commission, a member thereof, or the sheriff or constable of the proper county. Duty of owner of diseased animal.

Thereupon the agricultural commission shall cause a proper examination to be made by a competent veterinarian of the diseased or infected animals, and, if the disease affecting such animals is found to be dangerously contagious or infectious, the commission shall order the diseased animals and those which have been exposed to the contagion to be strictly quarantined, in charge of such person as the commission shall designate, and order any premises or farms where diseased animals are found or have been recently kept to be put in quarantine. No domestic animals shall be brought to or removed from the premises or places so quarantined. Examination and order.

Section 1113. SECTION 35. All proper expenses incurred in the quarantining of animals under the provisions herein relating to the agricultural commission shall be paid by the owners of such animals. If such owners refuse to pay such expenses after demand made by the order of the commission an action in the name of the state of Ohio may be brought to recover such expenses for the use of the commission. Expense of quarantine, how paid.

Section 1114. Animals having contagious malady, disposition of.

SECTION 36. If, in order to prevent the spread of any dangerously contagious and infectious disease among the live stock of the state, the agricultural commission deems it necessary to destroy animals affected with or which have been exposed to dangerously contagious or infectious disease, it shall determine what animals shall be killed and appraise or cause them to be appraised by disinterested citizens as provided by law. After being appraised, the commission shall cause such animals to be killed and their carcasses disposed of in such manner as it directs, but no animal shall be killed under the provisions of this section until it has been examined by a competent veterinarian in the employ of the commission, and the disease with which it is affected or to which it has been exposed adjudged a dangerous and contagious malady.

Section 1115. How compensation for slaughtered animal computed.

SECTION 37. If an animal is killed under the provisions herein relating to the agricultural commission, the compensation to be made for the slaughtered animal shall be computed on the basis of the actual value of such animal at the time of killing; for an animal that has been kept in the same building or enclosure, two-thirds of such value, and for any other animal, the full value of such animal without reference to the suspicion of contagion. No compensation, however, shall be made to a person who has brought animals into this state affected with such contagious disease, or from a district in which such contagious disease existed, or who has wilfully concealed the existence of such disease among his stock or on his premises, or who by wilful neglect or purposely has contributed to the spread of such contagion. In case of the destruction of a horse, mule or ass affected with glanders or farcy, no compensation for it shall be made, if it was so diseased when it passed into possession of its owner. In appraising animals to be killed as hereinbefore provided, no allowance shall be made because such animals are thoroughbred or pedigreed stock.

Section 1116. How claims shall be paid.

SECTION 38. When approved by the agricultural commission all claims of owners of animals killed under the provisions herein relating to the commission shall be paid from funds appropriated by the general assembly for that purpose.

Section 1117. Proclamation prohibiting importation.

SECTION 39. Whenever the governor, upon receipt of information from the agricultural commission believes that a dangerous, contagious or infectious disease has become epidemic in certain localities in other states, territories or countries, or that there are conditions which render domestic animals of such infected district liable to convey such diseases, he shall prohibit, by proclamation, the importation of live stock of the kind diseased into the state, except under such regulations as may be prescribed by the commission and approved by him.

Section 1118. Co-operation with U. S. authorities.

SECTION 40. The agricultural commission may accept, on behalf of the state, the rules and regulations prepared by the commissioners of agriculture under authority of an

act of congress, and co-operate with the authorities of the United States in the enforcement of their provisions.

Section 1119. Forfeiture for non-compliance.

SECTION 41. A person, firm or corporation who fails to comply with the rules of the agricultural commission or to respect its lawful regulations, when notified so to do, shall forfeit and pay not less than fifty dollars nor more than five hundred dollars.

Section 1120. Penalty for violations.

SECTION 42. Whoever, being a person, firm or corporation, having in his possession or under his control, an animal which he knows or has reason to believe is affected with a dangerously contagious or infectious disease, fails or neglects to give notice of such fact as provided by law, or brings into this state, or sells or disposes of an animal which he knows to be so affected or to have been exposed to a dangerously contagious or infectious disease, within three months after being so exposed, or moves an animal from quarantine if placed in quarantine by the agricultural commission, or moves an animal from a district declared by the commission to be infected with a dangerously contagious or infectious disease, or brings into the state from any district declared by the commission to be affected with such diseases any animal of the kind so declared to be affected, except under such conditions as the commission prescribes, shall be fined not more than five hundred dollars.

Section 1121. Penalty.

SECTION 43. Whoever sells or otherwise disposes of a horse, mule or ass which he knows or has reason to believe is affected with glanders or farcy or which has been adjudged to be so affected by the agricultural commission upon a report made to it by a competent veterinarian in its employ, or secretes such animal or fails to keep it securely isolated from other horses, mules or asses shall be fined not more than five hundred dollars and shall be liable to any person injured thereby for all damages sustained by reason of such violation. Whoever violates any provision herein relating to the agricultural commission for the violation of which no penalty has been provided shall be fined not less than fifty dollars nor more than two hundred dollars.

Section 1122. Insect pests and plant diseases. Definitions.

SECTION 44. The agricultural commission may make such regulations as it deems necessary for the prevention and control of insect pests or plant diseases. The term "nursery stock" as used in the sections herein relating to nursery and orchard inspection, includes trees, shrubs, plants, vines, buds, scions and cuttings commonly grown in nurseries and orchards except greenhouse plants and cuttings thereof, bulbs, flowers and vegetable plants. The terms "insect pests" and "plant diseases" as used in such section include San Jose scale, peach yellows, black knot and other dangerously injurious insect pests and plant diseases.

Section 1123. Entomologist and assistants; inspection of nurseries, orchards, etc.

SECTION 45. The agricultural commission shall appoint a competent entomologist as chief inspector and such assistant inspectors as it deems proper. The agricultural commission shall have charge of the inspection of nurseries,

orchards and all other premises whereon trees, shrubs, plants and vines are grown, except greenhouse plants and cuttings thereof, bulbs, flowers and vegetable plants. It may investigate, or cause to be investigated, outbreaks of insect pests or plant diseases, cause suitable measures to be taken for their eradication or control, devise, test and demonstrate practical remedies for their suppression, and publish the results of such investigations, together with such other information as it deems necessary.

Section 1124. SECTION 46. On or before the first day of July of each year each nurseryman or other person engaged in growing nursery stock for sale within the state, shall file in the office of the agricultural commission an application for the inspection of such nursery stock. Before September 15th of each year or as often as the agricultural commission deems necessary, it shall examine or cause to be examined the nursery stock of each person whose application for inspection has been filed. The failure to file such application or the disposal of uninspected stock by sale or gift shall be a violation of this section. Each nurseryman or other person importing plants or nursery stock from foreign countries shall notify the agricultural commission of such shipment, the date of arrival, nature of the shipment, name and address of the shipper and shall hold such shipment unopened until duly inspected and released by the chief inspector. Such inspection shall be made within four days from the date of arrival of such shipment. The provisions of this section shall not apply to greenhouse plants and cuttings thereof, bulbs, flowers and vegetable plants.

Application for inspection by nursery owner.

Inspection of imported plants or nursery stock.

Section 1125. SECTION 47. If, upon examination, the nursery stock and premises of such applicant appear to be free from insect pests and plant diseases, the agricultural commission through the chief inspector, shall before September 15th, issue to the owner or lessee thereof a certificate of inspection valid for one year from that date, unless revoked, provided there has been received from each applicant, growing five acres or less of nursery stock, the sum of five dollars, and from each applicant growing more than five acres of nursery stock, the sum of ten dollars, and in addition thereto five dollars for each day or fraction thereof required to complete the inspection after the first day. No fee shall be required for the inspection of orchards from which scions or cuttings are sold. If, upon examination, any insect pests or plant diseases are found upon such nursery stock the agricultural commission shall order and enforce such treatment as it deems sufficient. As soon thereafter as the efficiency of treatment can be determined, such nursery stock shall be reinspected upon the owner filing application for the same.

Certificate of inspection; fee.

Reinspection.

Section 1126. SECTION 48. Upon written request of the owner of nursery stock for which a certificate of inspection has been issued as provided in section 47, the agricultural commission shall also issue a certificate of fumigation. When any nursery stock is found to be slightly infested with San

Certificate of fumigation.

Jose scale or any insect pest which can be destroyed by fumigation, the agricultural commission may at its discretion, permit the disposal of such stock within the state under official certificate of fumigation, and upon receipt by the nurseryman of the written consent of the purchaser.

Section 1127. SECTION 49. Annually, each agent, or other person engaged in the sale or delivery of nursery stock within this state, who is the authorized representative of any nursery or dealer in nursery stock, shall file in the office of the agricultural commission, a statement, under oath that such stock was received by him accompanied with a valid certificate of inspection or fumigation. He shall submit proper credentials from the nurseryman or dealer represented and obtain an agent's license which will be issued upon payment of a fee of one dollar to the agricultural commission. Said license shall become invalid on the expiration of the certificate covering the stock sold.

Verified statement by agent to commission; agent's license.

Section 1128. SECTION 50. Annually each dealer, person or firm engaged in the sale or delivery of nursery stock within the state, who is not the authorized representative of any nurseryman, shall file in the office of the agricultural commission a statement under oath, that such stock will be procured from nurserymen holding valid official certificates of inspection or fumigation. Such statement shall contain the names of nurserymen or the sources from which stock will be procured and the location of the packing or sale grounds from which the stock will be distributed. This statement must be accompanied by a fee of five dollars, upon receipt of which a dealer's certificate shall be issued by the agricultural commission. This certificate may be attached to all shipments of nursery stock made to points within the state, and shall become invalid on September 1, following date of issuance. The failure to pay required fees, to file such statements or the delivery of nursery stock after the certificate under which it was received has become invalid shall be a violation of this section.

Statement by dealer not representing nurseryman; dealer's certificate; fee.

What deemed violations.

Section 1129. SECTION 51. The provisions of the preceding section shall not apply to a person engaged in the sale or delivery of stock from a nursery within this state if the owner of such nursery holds a valid certificate of inspection and such stock is delivered direct from the nursery to the grower in the original package.

To whom provisions do not apply.

Section 1130. SECTION 52. If a nurseryman or other person within the state ships or delivers any nursery stock except for scientific purposes, he shall place upon each car load, box, bale, or package, a copy of his certificate, issued by the agricultural commission that such stock is apparently free from insect pests and plant diseases, or a copy of a certificate of fumigation, issued by the agricultural commission, stating that such stock has been fumigated under the supervision of the agricultural commission. Changing or defacing a certificate, placing it on uncertified stock, or using it after the date of its expiration or revocation shall be a violation of this section.

Copy of certificates upon car, bale, package, etc.

Section 1131. Labeling car, etc., shipped into state.

SECTION 53. Each car, package or box containing nursery stock shipped or conveyed into this state shall be plainly labeled on the outside with the names of the consignor and consignee, and be accompanied with a certificate that the contents thereof have been inspected or fumigated by a duly authorized state or government officer, and that the stock therein contained is apparently free from insect pests or plant diseases.

Section 1132. Certificate prima facie evidence of facts stated, but commission may examine stock.

SECTION 54. The certificate accompanying nursery stock shipped or conveyed into the state shall be prima facie evidence of the fact therein stated; but if the agricultural commission has reason to believe that such stock is infested or infected, it may cause it to be examined, and for such purpose may enter any car, depot, warehouse, or other structure containing such nursery stock. If found to be infested or infected with insect pests or plant diseases, it shall be seized and the shipper thereof be notified to remove it from the state. If it be not removed within ten days from seizure it may be destroyed.

Section 1133. Reports to commission of shipments without certificates.

SECTION 55. If a nursery stock is shipped or conveyed into this state without such certificate of inspection or fumigation affixed to the outside of the package, box or car containing it, the railroad, express or steamboat company, or person carrying such stock, shall report such fact within twenty-four hours to the agricultural commission. No such stock shall be delivered until it has been examined by the agricultural commission and certified to be apparently free from insect pests or plant diseases. The failure by an agent, common carrier or other person to give such notice as herein required shall be a violation of this section.

Section 1134. Powers and duties of commission in making examinations.

SECTION 56. Upon the application of a nurseryman or other person for inspection as provided in section 47, or upon the written request of a free-holder or lessee resident of this state, the agricultural commission shall cause nursery stock and premises of the applicant or petitioner and all premises in dangerous proximity thereto, to be examined. In the prosecution of official duties the agricultural commission may enter within reasonable hours upon any premises or into any building containing nursery stock. If an examination discloses the presence of insect pests or plant diseases, the agricultural commission shall notify the owner or lessee of the premises of such fact by mailing a notice to his usual postoffice address. The notice shall specify the nursery stock to which treatment shall be applied and the time within which the order of the agricultural commission must be complied with.

Treatment by commission when owner fails.

If the owner of such nursery stock fails to apply such treatment in a satisfactory manner and within the time specified, such treatment may be given under the directions of the agricultural commission, and the costs thereof certified to the auditor of the county in which the property is located. The costs so certified shall be a lien on such premises, be collected by the county treasurer as taxes, and paid to the agricultural commission.

Section 1135. SECTION 57. If the agricultural commission orders growing nursery stock to be destroyed, and the owner fails for ten days after notice to comply with the order, the agricultural commission shall commence an action without delay in the probate court of the county in which it is located by filing an affidavit setting forth that such stock is infested or infected with insect pests or plant diseases, a description of the premises whereon it is located, the name of the owner or lessee thereof, and the names of all persons having an interest in such premises or nursery stock. In case of nursery stock, the affidavit shall also state the name of the person, firm or corporation in whose possession it was found, that ten days have elapsed since an order was made for its destruction and that such order has not been obeyed.

Action, when owner fails to comply with order.

Section 1136. SECTION 58. Upon the filing of the affidavit provided for in section 59, the probate judge shall issue a summons for the persons named therein, designating a time to make answer to such complaint, not exceeding five days from the date of the summons. The summons shall be directed to and served by the sheriff of the county, may be served by him in any county of the state, and shall be served and returned as directed by the probate court.

Affidavit, summons, answer.

Section 1136-1. SECTION 59. At the time fixed in such summons, if a jury is not waived, the probate court shall order a jury to be drawn, summoned and empaneled as in other civil cases in such court. The state of Ohio shall be plaintiff and the person named in the affidavit shall be defendant; no pleading other than the affidavit shall be required, and the issue shall be whether such nursery stock is infested or infected with insect pests or plant diseases. If the jury finds that the order of the agricultural commission for the destruction of such nursery stock should be obeyed, it shall return a verdict for the plaintiff; otherwise, it shall return a verdict for the defendant.

Trial.

Section 1137. SECTION 60. If the verdict of the jury is for the plaintiff, the court shall enter judgment against the defendant for costs, cause execution to be issued therefor, and issue an order to the agricultural commission to enforce the order by it made. If the verdict is for the defendant, the action shall be dismissed, the order for the destruction of the property annulled, and the costs ordered paid by the agricultural commission. In taxing and apportioning costs, the probate court shall have the same powers as are conferred by law upon the court of common pleas.

Verdict; costs.

Section 1138. SECTION 61. Whoever fails or refuses to destroy any nursery stock within ten days after the probate court has issued its order to the agricultural commission, as provided in the preceding section, hinders or obstructs the carrying out of any provision relating to the inspection of nursery stock, or violates any such provisions shall be fined not less than ten dollars nor more than one hundred dollars for the first offense and not less than fifty dollars nor more than

Penalty for failure to destroy stock.

three hundred dollars for any subsequent offense, and be committed until such fine and costs of prosecution are paid.

Section 1139.

Jurisdiction.

SECTION 62. The probate court of each county shall have original and final jurisdiction in prosecutions under the provisions herein relating to the inspection of nursery stock. Such court shall be open at all times for such purposes regardless of the terms fixed therein for the trial of criminal cases, and the complainant shall not be required to give security for costs. The prosecuting attorney of each county, or the attorney general shall conduct such prosecutions, and all fines recovered therein shall be paid to the agricultural commission.

Fines shall be paid to commission.

Section 1140.

Moneys shall be deposited to credit of agricultural fund.

Report.

SECTION 63. All monies derived from the provisions of sections 44 to 63 inclusive of this act shall be paid to the agricultural commission and by it deposited in the state treasury to the credit of the agricultural fund, and to be expended in promoting and protecting the horticultural interest of the state. The agricultural commission shall make an annual report to the governor of the operations of the division of nursery and orchard inspection. The report shall state the number of nurseries inspected, the number of certificates issued, the number of trees treated, and number destroyed and such other information as it deems proper.

Section 1141.

What certificate affixed to bulk or package of feed stuffs, shall state.

SECTION 64. Each person, firm or corporation desiring to sell or offer for sale within this state any feed stuffs shall furnish each car load or quantity in bulk thereof, or affix to each package thereof in a conspicuous place thereon, a plainly printed certificate of the number of net pounds in each car or quantity in bulk, or in each package, the name or trade mark under which it is sold, the name of the manufacturer or shipper, the place of manufacture and a chemical analysis of the product to be sold. Such analysis shall state the percentage of crude protein, allowing one per cent. of nitrogen for six and one-fourth per cent. of the protein, of crude fat and of crude fibre. Such certificate shall also state the proportions of corn, oats, rye, wheat, wheat bran, wheat middlings, cotton seed meal, linseed meal, oat hulls, rice hulls, corn cob, or other product contained in such feed stuffs.

Section 1142.

Sample deposited and filing of copy of certificate required.

SECTION 65. Before selling or offering for sale any feed stuffs within this state, each person, firm or corporation shall file with the agricultural commission a certified copy of the certificate required by the preceding section, and deposit with or forward prepaid to it a sealed glass jar containing not less than one pound of such feed stuffs with an affidavit that the quantity so deposited is a fair sample of the product to be sold.

Section 1143.

Annual license fee.

SECTION 66. For the privilege of selling or offering for sale within this state any feed stuffs, a person, firm or corporation shall pay on or before the first day of April of each year a license fee to the agricultural commission, for the sale of each brand of feed stuffs, twenty-five dollars. Upon an application and the payment of such fee, the agri-

cultural commission shall issue a license for the current year. All licenses shall expire on the thirty-first day of December of each year. The payment of a license fee by a person, firm or corporation shall exempt an agent thereof from the requirements of this section.

Section 1144. SECTION 67. The term "feed stuffs," as used in this act includes the following and similar articles of commerce: linseed meal, cotton seed meal, pea meal, cocoanut meal, rice meal, gluten meal, gluten feeds, dried brewers grain, malt sprouts, hominy feeds, ceraline feeds, oat feeds and mixed feeds; but such term shall not include the following if sold as distinct articles of commerce, and not mixed with other substances: hay, straw, whole seeds, mixed meals, made directly from the entire grains of wheat, rye, barley, oats, Indian corn, beans, buckwheat, broom corn, wheat bran or middlings, and pure grains mixed and ground together. "Feed stuffs" defined.

Section 1145. SECTION 68. Each year at least one analysis shall be made of each brand of feed stuffs sold within this state. All such analyses shall be made under the direction of the agricultural commission, and the expenses thereof paid by such commission from a fund arising from the payment of license fees required by section 66. Analysis of feed stuffs each year.

Section 1146. SECTION 69. For the purpose of analysis and comparison, the agricultural commission, or a person appointed by it, may take a quantity not exceeding two pounds from any car load, quantity in bulk or package of feed stuffs for sale within this state and in the performance of this duty such commission or person appointed by it, may enter a car, a warehouse, building or other structure containing such feed stuffs. Authority to take samples.

Section 1147. SECTION 70. A person, firm or corporation which sells or offers for sale any kind of meal, ground grain, bran or middlings, adulterated with any other substance shall plainly state on each package thereof the proportions and kind of adulterants used therein. Whoever violates a provision of this section shall be fined not less than ten dollars nor more than two hundred dollars for the first offense, and not less than twenty-five dollars nor more than five hundred dollars for each subsequent offense. Penalty for failure to state proportion and kind of adulterants.

Section 1148. SECTION 71. Whoever sells or offers for sale within the state feed stuffs containing a smaller percentage of any of the constituents thereof than it is certified to contain, shall be fined not less than one hundred dollars nor more than two hundred dollars, and shall be liable for damages sustained by the purchaser thereof. A deficiency of two per cent. of crude protein or of crude fat, or an excess of two per cent. of crude fibre in an analysis of feed stuffs, shall not be evidence of a fraudulent intent. Penalty for misstatements of constituents.

Section 1149. SECTION 72. The agricultural commission shall prosecute all violations of sections 64, 66, 70 and 71. Such prosecutions may be before a justice of the peace, police judge or mayor as in cases of violation of laws relating to the adulteration of food and drink and dairy products. Who shall prosecute; courts.

Section 1150. SECTION 73. Each person, firm or corporation who

manufactures, sells or offers for sale in the state a commercial fertilizer which means any substance for fertilizing or manurial purposes, except barn yard manure, marl, lime and plaster, shall affix to each package in a conspicuous place on the outside thereof, a plainly printed certificate which shall state the number of net pounds contained therein, the name, brand, or trade mark, under which it is sold, or offered for sale, the name of the manufacturer, with his or its postoffice address. Such certificate shall contain also a chemical analysis which shall state the minimum percentages guaranteed of ammonia, of potash soluble in water, of phosphoric acid in available form, comprising the soluble and reverted, and of insoluble phosphoric acid, the sources of ammonia and the sources of insoluble phosphoric acid. In bone, tankage and basic slag unmixed with other material the phosphoric acid shall be claimed only as total phosphoric acid. In untreated phosphoric rock and other mineral phosphoric materials, the phosphoric acid shall be claimed only as insoluble phosphoric acid. When any commercial fertilizer, sold or offered for sale in this state, contains muck, peat, pulverized leather, hair, ground horn or wool waste or other materials in which the ammonia is largely unavailable, such certificate shall state explicitly such fact.

What certificate affixed to package of fertilizer shall state.

Section 1151. SECTION 74. No other form of analysis, and no duplication of terms or the equivalent thereof in other terms shall be used except that the nitrogen equivalent to the ammonia may be stated. No percentages higher than the lowest actually guaranteed shall be affixed to a package printed upon a bag or used in printed matter descriptive of such fertilizer. No false or misleading name, brand or trade mark shall be used in designating a commercial fertilizer, or a name, brand or trade mark indicating that the essential ingredients thereof were obtained from bone or animal substance, if the source thereof was wholly or in part a mineral substance. Any material in which the organic matter has been destroyed by heat shall be deemed mineral substance.

Restrictions as to statements of analysis, percentages, brand or substances.

Section 1152. SECTION 75. Before selling or offering for sale any commercial fertilizer within this state, each person, firm or corporation shall file with the agricultural commission a certified copy of the certificate required in section 73.

Filing certified copy of certificate.

Section 1153. SECTION 76. No commercial fertilizer shall be sold or offered for sale if the percentage of any ingredient, element or constituent is less than the minimum percentage claimed or guaranteed; provided that there may be a deficiency of six per cent. of the amount claimed in any one ingredient before evidence of fraudulent intent shall be presumed; if there is a corresponding excess in the other ingredients claimed on the basis of the following equivalents in value: One part of ammonia shall be deemed equivalent to three parts of available phosphoric acid; one part of ammonia shall be deemed equivalent to three parts of potash; one part of ammonia shall be deemed equivalent to six parts of insoluble phosphoric acid from animal matter; one part of ammonia shall be deemed equivalent to twelve parts of

When fraudulent intent presumed.

insoluble phosphoric acid from mixed animal and mineral matter; in bone or tankage one part of ammonia shall be deemed equivalent to five parts of total phosphoric acid.

Section 1154. SECTION 77. Before selling or offering for sale within this state a commercial fertilizer, a person, firm or corporation shall pay each year a license fee to the agricultural commission for the sale of each brand thereof thirty dollars. Upon application and payment of such fee, the commission shall issue a license for the current year. All licenses shall expire on the 31st day of December of each year. The payment of such license fee by a person, firm or corporation shall exempt an agent thereof from the requirements of this section.

License; fee.

Section 1155. SECTION 78. Each year at least one analysis shall be made of each brand of commercial fertilizer sold within this state. All such analyses shall be made under the direction of the agricultural commission and the expenses thereof paid by the commission, from a fund arising from the payment of license fees provided for in the preceding section.

Analysis shall be made each year.

Section 1156. SECTION 79. For the purposes of analysis and comparison with the certificate deposited with it and with the certificate on such package the agricultural commission, or a person appointed by it, shall take a quantity of not less than one pound and not exceeding two pounds, from packages of commercial fertilizer exposed or offered for sale within this state, or in the possession of a dealer, consumer or transportation company. Such sample shall be taken from at least five per cent. of the sacks or other packages comprising the whole lot sampled. If there are less than one hundred sacks in the lot sampled, samples shall be taken from not less than five sacks, if there are less than five sacks in the lot sampled, samples shall be taken from not less than three sacks.

How samples obtained for analysis.

Section 1157. SECTION 80. Any person not a dealer in, or agent for a fertilizer who purchases a commercial fertilizer in this state for his own use, and not for sale, may have an analysis thereof made under the direction of the agricultural commission.

Person not a dealer may have analysis made.

Section 1158. SECTION 81. A sample for such analysis shall be taken by the purchaser in the presence of the person, firm or agent selling the fertilizer, from at least ten per cent. of the sacks or other packages comprising the whole lot purchased. If there are less than one hundred sacks in the lot purchased, samples shall be taken from not less than ten sacks; and if there are less than ten sacks in the lot purchased, samples shall be taken from each sack, and all such samples shall be taken in the manner required by the agricultural commission. If the person, firm or agent refuses to witness the taking thereof, the samples may be taken in the manner prescribed in the presence of two disinterested witnesses, who shall certify to the manner of taking such samples.

How sample shall be taken.

Section 1159. SECTION 82. The samples shall be taken at the time and place of delivery to the purchaser, from dry, undamaged goods, and from packages or sacks not theretofore opened, broken or resacked and thoroughly mixed. At least

Quantity, how prepared and forwarded.

two pounds thereof must be put into two cans or jars, marked to identify it and to show by whom sent and shall be securely sealed and forwarded by express, all charges prepaid to the agricultural commission together with the printed certificate from one of the bags or packages so sampled with the name and address of the person or firm from whom the fertilizer was purchased and the amount purchased, accompanied by a fee of one dollar for each element for which analysis is asked.

Section 1160.

Certificate accompanying sample.

SECTION 83. The purchaser shall also send with the sample a certificate signed by himself and two disinterested witnesses, that the sender has purchased the fertilizer for his own use and not for sale, and that the sample was taken in the manner prescribed in sections 81 and 82.

Section 1161.

Analysis optional when requirement not complied with.

SECTION 84. If a sample shall have been submitted for analysis without complying with the requirements of the preceding sections, the agricultural commission in its discretion may accept such sample for analysis if it believes it is a fair sample of the fertilizer delivered to the purchaser.

Section 1162.

Authority to open package and take sample.

SECTION 85. The agricultural commission and such assistants, agents, experts and chemists, as it may duly authorize for the purpose, shall have the power to open any package or vessel containing or supposed to contain any commercial fertilizer, and take therefrom samples for analysis upon tendering the value of said samples.

Section 1163.

Penalty for violations.

SECTION 86. Whoever sells, or offers for sale, within this state, a commercial fertilizer without complying with the provisions of this chapter relating to commercial fertilizers, or permits an analysis to be attached to any package thereof, stating that it contains a larger percentage of any constituent thereof than it does in fact contain, except as provided in section 76, shall be fined not less than fifty dollars nor more than two hundred dollars for a first offense, and for a subsequent offense not less than two hundred dollars nor more than five hundred dollars or imprisoned not more than six months or both. In all prosecutions under this act, a justice of the peace, police judge or mayor, shall have final jurisdiction as in cases of violation of laws relating to the adulteration of food and drink and dairy products. The agricultural commission shall rest its prosecution under this act on samples drawn, as provided in section 79.

Section 1164.

Examinations of apiaries; instructions.

SECTION 87. The agricultural commission shall, when notified in writing by the owner of an apiary, or by any three disinterested taxpayers, examine all reported apiaries, and all others in the same locality not reported, and ascertain whether or not the disease known as American foul brood or European foul brood, or any other disease which is infectious or contagious in its nature, and injurious to honey bees in their egg, larval, pupal or adult stages exist in such apiaries; and if satisfied of the existence of any such diseases it shall give the owners or caretakers of the diseased apiaries full instructions how to treat such cases as in the inspector's judgment seems best.

Section 1165. SECTION 88. The agricultural commission shall visit all diseased apiaries a second time, after ten days, and, if need be, burn all colonies of bees that it may find not cured of such disease, and all honey and appliances which would spread disease, without recompense to the owner, lessee, or agent thereof.

Destruction of diseased colonies on revisit.

Section 1166. SECTION 89. If the owner of an apiary, honey or appliances wherein disease exists shall sell, barter, or give away or move without the consent of the inspector any diseased bees (be they queens or workers), colonies, honey, or appliances, or expose other bees to the danger of such disease, such owner shall, on conviction thereof be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than one month nor more than two months or both.

Penalty for sale of diseased colonies, etc.

Section 1167. SECTION 90. For the enforcement of the provisions of this act, the agricultural commission shall have access, ingress and egress to all apiaries or places where bees are kept; and any person or persons who shall resist, impede or hinder in any way the commission in the discharge of its duties under the provisions of this act shall, on conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than one month nor more than two months or both.

Penalty for hindering, etc., commission in its duties.

Section 1168. SECTION 91. After inspecting infected hives or fixtures or handling diseased bees, the inspector of the agricultural commission or his assistant shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect any portion of his own person and clothing and any tools or appliances used by him which have come in contact with infected material, and shall see that any assistant or assistants with him have likewise thoroughly disinfected their persons and clothing and any tools and implements used by them.

Disinfecting, person, clothing tools, etc.

Section 1169. SECTION 92. It shall be the duty of any person in the state of Ohio, who is engaged in the rearing of queen bees for sale, to use honey in the making of candy for use in mailing cages which has been boiled for at least thirty minutes. Any such person engaged in the rearing of queen bees shall have his queen rearing apiary or apiaries inspected at least twice each summer season; and on the discovery of the existence of any disease which is infectious or contagious in its nature and injurious to bees in their eggs, larval, pupal or adult stages, such person shall at once cease to ship queen bees from such diseased apiary until the agricultural commission shall declare the said apiary free from all disease. Any person engaged in the rearing of queens who violates the provisions of this section shall, on conviction thereof, be fined not less than one hundred dollars nor more than two hundred dollars.

Inspection of queen rearing apiary.

Penalty.

Section 1170. SECTION 93. The agricultural commission shall maintain a state agricultural experiment station for the prosecution of practical and scientific research in agriculture and forestry and the development of the agricultural resources

"Ohio Agricultural Experiment Station."

of the state. It shall be known as the "Ohio Agricultural Experiment Station."

Section 1171. Director; officers, employes, salaries.

SECTION 94. The agricultural commission shall appoint a director of the experiment station who shall be a person of acknowledged ability and training in the principles and practice of scientific agriculture. It shall fix the terms of office and salaries of all officers and employes of the station and upon written charge may remove them.

Section 1172. Duties of director.

SECTION 95. The director shall have control of the affairs of the station, and be responsible to the agricultural commission for the management of all its departments. With the approval of the agricultural commission he shall appoint chiefs of departments, assistants and other employes necessary for the proper management of the station and shall assign them to their respective duties. He may suspend an officer or employe of the station for cause, which suspension with the reasons therefor he shall immediately report to the agricultural commission for its final action.

Section 1173. Title to lands conveyed to state.

SECTION 96. The title of all lands for the use of the experiment station shall be conveyed in fee simple to the state, but no title shall be conveyed for such purposes unless the attorney general is satisfied that it is free from defects and incumbrances.

Section 1174. Establishment of county experiment farms.

SECTION 97. In order to demonstrate the practical application under local conditions of the results of the investigations of the Ohio agricultural experiment station, and for the purpose of increasing the effectiveness of the agriculture of the various counties of the state, the commissioners of any county in the state are hereby authorized and empowered to establish an experiment farm within such county as hereinafter provided for.

Section 1175. Purposes for which experiment farms used.

SECTION 98. The county experiment farms established under this act shall be used for the comparison of varieties and methods of culture of field crops, fruits and garden vegetables; for the exemplification of methods for controlling insect pests, weeds and plant diseases; for experiments in the feeding of domestic animals and in the control of animal diseases; for illustrations of the culture of forest trees and the management of farm woodlots; and for the demonstration of the effects of drainage, crop rotation, manures and fertilizers, or for such part of the above lines of work as it may be practicable to carry on.

Section 1176. Petition for submission of question; notice.

SECTION 99. Upon the filing of a petition with the county auditor signed by not less than five per cent. of the electors based upon the vote for governor at the last preceding election, residing within the county, the commissioners of such county shall submit to the qualified voters of such county a proposition to establish an experiment farm within such county, and to issue notes or bonds for the purchase and equipment of such farm, such proposition to be voted upon at the next general election following the receipt of the petition by the commissioners. Notice of the intention to submit such proposition shall be published by the county commissioners in two newspapers of opposite

politics printed and of general circulation in said county, for at least four weeks prior to the election at which the proposition is to be voted upon, together with a statement of the maximum amount of money which it is proposed to expend in the purchase and equipment of such farm.

Section 1177. SECTION 100. The county auditor shall file a written request with the board of deputy supervisors of elections asking for the preparation of the necessary ballots, which ballots shall be separate and apart from all other ballots, and which ballots shall have printed thereon "Tax for experiment farm—Yes"; "Tax for experiment farm—No." The result of such election shall be ascertained by the board of deputy supervisors of elections and the result thereof certified to the county auditor.

Form of ballot.

Section 1177-1. SECTION 101. If a majority of the electors voting on such proposition in the county, are in favor of establishing such experiment farm, then the commissioners of the county shall levy a tax on all the taxable property in such county as listed for taxation on the county duplicate, which levy shall not exceed one-fifth of one mill on the dollar of the taxable property of the county in any one year, nor shall the aggregate of all levies for such purposes exceed two mills on the dollar.

Tax levy.

Section 1177-2. SECTION 102. To anticipate the collection of the tax authorized by this act and the use of the money to be raised thereby, the county commissioners are hereby authorized and required to issue the notes or bonds of their county, such notes or bonds to bear interest at a rate not to exceed six per cent. per annum, and not to run to exceed ten years, and not to be sold for less than their par value, and the proceeds of the sale thereof shall be deposited in the county treasury, to be applied by the county commissioners to the purchase and equipment of an experiment farm, containing eighty acres or more, as hereinafter provided for.

Issue of bonds.

Section 1177-3. SECTION 103. When the funds provided for in this act are deposited in the county treasury, the county commissioners shall notify the agricultural commission of their action, on receipt of which notice it shall be the duty of the agricultural commission to visit the county and assist in the selection of a farm to be used for the purpose specified in this act, provided that no farm shall be purchased except with the approval of the majority of the agricultural commission and also of a majority of the board of county commissioners of the county.

Purchase must be approved by commission and county commissioners.

Section 1177-4. SECTION 104. The equipment of an experiment farm shall consist of such buildings, drains, fences, implements, live stock, stock feed and teams as shall be deemed necessary by the agricultural commission for the successful work of such farm, and the initial equipment shall be provided by the county in which the farm is established, together with a sufficient fund to pay the wages of the laborers required to conduct the work of such farm during the first season. The county commissioners shall appropriate for the

Equipment of farm; appropriation by county.

payment of the wages of laborers employed in the management of such farms as may be established under this act, and for the purpose of supplies and materials necessary to the proper conduct of such farms such sums not exceeding two thousand dollars annually for any farm, as may be agreed upon between such county commissioners and the agricultural commission.

Section 1177-5. Management of farm.

SECTION 105. The management of all county experiment farms established under authority of this act shall be vested in the director of the Ohio agricultural experiment station, who shall appoint all employes and plan and execute the work to be carried on, in such manner as in his judgment will most effectively serve the agricultural interests of the county in which such farm may be located, the director and all employes being governed by the general rules and regulations of the agricultural commission.

Section 1177-6. Submission of plans of contemplated work to advisory board.

SECTION 106. Before entering upon any line of investigation or demonstration upon any of the county experiment farms established under this act, the director of the experiment station shall submit a written plan of such contemplated work to an advisory board, consisting of the county agricultural society of the county in which such experiment farm may be located, or if there be no county agricultural society, then of the board of county commissioners of such county, and if such plan is not approved by such advisory board, then the work shall not be undertaken.

Section 1177-7. Assignment of county farm or portion for purpose.

SECTION 107. The county commissioners of any county may assign to the agricultural commission such portion of any farm now owned by the county as may be mutually agreed upon between the county commissioners and the agricultural commission, the land thus assigned to be occupied and used by the experiment station for the purpose specified in this act and under the management of the director of the station.

Section 1177-8. Disposal of produce; application of proceeds.

SECTION 108. The produce of each county experiment farm as may be established under this act, over and above that required for the support of the teams and live stock kept on the farm, shall be sold and the proceeds applied to the payment of the labor and to the purchase of the supplies and materials required for the proper management of the farm as contemplated by this act, and for the maintenance of its equipment. Any surplus beyond these requirements shall be covered into the county treasury and placed to the credit of the general fund of the county, except in the case of the use of farms already belonging to the county, in which case the proceeds shall be placed to the credit of such fund as the county commissioners may designate.

Section 1177-9. When farm shall be sold; proceeds.

SECTION 109. In case the experiment station shall cease to use for the purposes herein specified any county experiment farm established under this act, such farm and its equipment shall be sold at public auction to the highest bidder after notice of such proposed sale shall have been

published for four consecutive weeks in two newspapers of opposite politics, once a week, published in and having the largest circulation in the county within which the farm is located, and the proceeds of such sale shall be covered into the county treasury, the sums thus covered to be placed to the credit of the school funds of the county.

Section 1177-10. SECTION 110. The agricultural commission shall carefully inquire into the character and extent of the forests of the state, the causes of their waste and decay, and methods for their preservation and development. It shall conduct investigations in the several sections of the state, determine the species of valuable trees best suited to grow on the various kinds of soil, and ascertain the best methods and cost of the propagation, planting and cultivation of wood lots and plantations. It shall determine the average rate of growth of the various species of trees and the relative values of different kinds of timber for domestic and commercial purposes, and conduct experiments for the purposes of increasing durability of the various kinds of wood; determine the kind of trees and shrubs best suited to different localities for wind-breaks and shelter, and for beautifying grounds, and ascertain the best methods of planting and managing them.

Investigations and development of forests of the state.

Section 1177-11. SECTION 111. The agricultural commission may cooperate with the department of agriculture of the United States in conducting such portion of the work mentioned in section 110, as may be agreed upon by the agricultural commission and such department of agriculture.

Co-operation with U. S. department of agriculture.

Section 1177-12. SECTION 112. The agricultural commission shall enforce the laws against fraud, adulteration or impurities in foods, drinks or drugs, and unlawful labeling within the state. The agricultural commission shall establish standards of quality, purity and strength for foods, when such standards are not otherwise established by any law of this state. Such standards shall conform to the standards for foods adopted by the United States department of agriculture. The agricultural commission shall make such uniform rules and regulations as may be necessary for the enforcement of the food, drug, dairy and sanitary laws of this state. Such rules and regulations shall, where applicable, conform to and be the same as the rules and regulations adopted from time to time for the enforcement of the act of congress, approved June 30, 1906, and known as "the food and drugs act." The commission shall inspect drugs, butter, cheese, lard, syrup and other articles of food or drink, made or offered for sale in the state, and prosecute or cause to be prosecuted each person, firm or corporation engaged in the manufacture or sale of an adulterated drug or article of food or drink, in violation of law.

Enforcemnt of laws and adoption of standards.

Inspections.

Section 1177-13. SECTION 113. The agricultural commission, in the performance of its duty may enter a creamery, factory, store, salesroom, drug store, laboratory or other place where it believes or has reason to believe drugs, food, drink or lin-

Right to enter for examinations and inspections.

seed oil, is made, prepared, dispensed, sold or offered for sale, examine the books therein, and open a cask, tub, jar, bottle or other package containing or supposed to contain a drug or an article of food or drink and examine or cause to be examined and analyzed the contents thereof.

Section 1177-14. Disposition of fees and costs.

SECTION 114. All fines, fees and costs collected under prosecutions begun, or caused to be begun, by the agricultural commission, shall be paid by the court to the commission within thirty days after collection, unless error proceedings have been properly begun and prosecuted and in case the judgment of the justice of the peace is sustained the fine shall be paid within thirty days after such judgment of affirmance, and by the commission paid into the state treasury to the credit of the general revenue fund.

Section 1177-15. Suit by commission on failure to pay.

SECTION 115. If the court fails to so pay such fines, fees and costs, the agricultural commission shall bring suit in the name of the state for the recovery thereof and interest thereon, and the court in rendering judgment therefor shall add a penalty of ten per cent. on the amount found to be due such general revenue fund.

Section 1177-16. Appointment of veterinary examiners; meetings, record.

SECTION 116. The agricultural commission shall appoint three men who shall be graduates of reputable, but different, veterinary schools or colleges, and be persons skilled in their profession and of good moral character, and who shall conduct examinations for those who wish to engage in the practice of veterinary medicine and issue certificates therefor. Such examinations shall be held twice in each year, and such examiners shall be appointed at least eight weeks before examinations are held. They shall meet in Columbus in rooms furnished by the agricultural commission. The secretary of the agricultural commission shall act as secretary. He shall keep an accurate record of the business transacted and of the certificates issued. He shall pay into the state treasury, to the credit of general revenue fund, the fees received from applicants for examination, keep an accurate account of the monies received and disbursed, and perform such other duties as the agricultural commission may prescribe.

Section 1177-17. Examination of applicants; branches.

SECTION 117. Before entering upon the practice of veterinary medicine and surgery in this state, each person except such as qualify as hereinafter provided, shall pass an examination as to his qualifications and fitness to engage in such practice. Said examination shall be conducted by the persons appointed by the agricultural commission, and shall include veterinary anatomy, veterinary physiology, general pathology, veterinary pathology, materia medica, veterinary thereapeutics, principles and practice of veterinary medicine, veterinary surgery, veterinary obstetrics, and the control of contagious diseases of domestic animals; and an average grade of at least 70% shall be required for passage.

Section 1177-18.

SECTION 118. An applicant for such examination shall present himself at the offices of the agricultural commis-

sion at the time when examinations are to be held, and pay five dollars for each examination. The fee shall accompany his written application and be paid to the secretary of the agricultural commission previous to such examination. One-half the amount of the fee shall be returned to the applicant if he fails in an examination, or if a diploma is accepted in place of an examination. Fee.

Section 1177-19. SECTION 119. The agricultural commission may accept a properly issued diploma in place of an examination. A diploma shall not be accepted unless it has been issued by a reputable veterinary school or college that requires a course of study and gives instruction in all the branches of veterinary science. Diploma may be accepted in place of examination.

Section 1177-20. SECTION 120. A person who successfully passes an examination before the examiners appointed by the agricultural commission, shall receive a certificate signed by the commission. The certificate shall state that the person to whom it is issued has passed the prescribed examination and is competent to practice veterinary medicine and surgery. A copy of such certificate shall be recorded by the secretary of the agricultural commission in a book kept for that purpose, which shall be open to public inspection. If an applicant is unsuccessful, he shall not be eligible to another examination until the expiration of one year thereafter. Certificate.

SECTION 121. That sections 1390 to 1394 inclusive, 1405, 1411, 1421, 1423, 1424, 1435, 1437, 1438, 1445, 1446, 1453, 1454, 1455, 1460, 1485, 265, 485, 1313, 1850, 2269, 2274, 2616, 3357, 5782, 6087, 6088, 6089, 6091, 6336, 7965, 7965-1, 9916 to 9921 inclusive, 12521, 12523, 12672, 12673, 12743, 12757, 12794, and 12798 of the General Code be amended to read as herein provided:

Sec. 1390. The agricultural commission shall have authority and control in all matters pertaining to the protection, preservation and propagation of song and insectivorous birds, game birds, game animals and fish within the state and in and upon the waters thereof. It shall enforce by proper legal action or proceeding the laws of the state for the protection, preservation and propagation of such birds, animals and fish; shall establish fish hatcheries and propagate fish therein or in any other manner for the waters of the state, and, so far as funds are provided therefor, shall adopt and carry into effect such measures as it deems necessary in the performance of its duties. Protection, propagation and preservation of birds, animals and fish.

Sec. 12757. Whoever refuses to allow the agricultural commission, its inspectors or agents, to enter a creamery, factory, store, salesroom, drug store, laboratory, booth, vehicle, steam or electric car or place which he desires to enter in the discharge of his official duty, or interferes with him in such discharge, or refuses to deliver to him a sample of food, drug or linseed oil made, sold, offered or exposed for sale by such person, upon request therefor and tender of the value thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subse- Penalty for hindering, etc., officers in discharge of duties.

quent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in jail not less than thirty days nor more than one hundred days, or both.

Co-operation with boards and managing officers.

Sec. 1850. The agricultural commission, the state board of health, and the Ohio state university respectively, shall co-operate with the board and managing officer of each institution in making such co-operative tests as are necessary to determine the quality, strength and purity of supplies, or the value and use of farm lands, or condition and needs of mechanical equipment.

Penalty for using other than stencil brand on cheese.

Sec. 12743. Whoever puts a brand indicating "full milk cheese" upon cheese made of milk from which any of the cream has been taken, or uses such brand without having obtained from the agricultural commission in conformity to law, a stencil brand containing the words "Ohio state full cream cheese," or uses such brand upon other than full cream cheese or a package containing such cheese, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both.

Uniform stencil brand for cheese; registration, fee.

Sec. 5782. The agricultural commission shall procure and issue to the cheese manufacturers of this state upon proper application made on or before the first day of April of each year and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words "Ohio state full cream cheese." Such brand shall be used upon the outside of each cheese, cheese-cloth or band around it and upon the box or package containing it, and shall bear a separate number for each factory. Such brand shall not be used upon other than full milk cheese or packages containing it; provided, that no cheese shall be so branded unless it contains at least thirty per cent. of pure butter fat. The commission shall keep a book in which shall be registered the name, location and number of each manufacturer using such brand, and the name or names of the person in each factory authorized to use it, and he shall receive one dollar for each registration according to the provisions of this section, such fee to be paid by the person applying for such registration.

Unclean and insanitary factories.

Sec. 12798. If the agricultural commission or any of its inspectors or agents, is of the opinion that a place named in the preceding section is being operated in violation of such section he shall notify the proprietor, owner or manager thereof, in writing, to place it in a clean and sanitary condition within a reasonable time to be stated in such notice, which time shall not be less than ten days.

Sec. 12794. The agricultural commission shall enforce the provisions of the next four preceding sections.

Who empowered to enforce penal statutes.

Sec. 6336. The agricultural commission shall enforce the provisions of this chapter and the penal statutes relating thereto and the commission, its assistants, experts, chemists and agents shall have access and ingress to the places of business, stores and buildings used for the sale of paint, turpentine or linseed oil, and may open any package, can, jar, tub or other receptacle containing an article that may be sold or exposed for sale in violation of such provisions or statutes. The inspectors, assistants or chemists, appointed by the commission shall perform like duties and have like authority under this chapter and the penal statutes relating thereto as is provided by law in other cases.

State sealer.

Sec. 7965. The agricultural commission shall be state sealer, and shall make, promulgate and enforce such rules and regulations as may be necessary to the prompt and effective enforcement of the weights and measures laws of this state. The standards of weights and measures adopted by the state shall be deposited in a suitable room at Columbus, and be by it kept in suitable cases, to be opened only for the purpose of comparing them with such standards the copies which by law are furnished for the use of the several counties, cities or villages unless by joint resolution of the general assembly, or upon a call of either house for information, or by order of the governor for scientific purposes. The agricultural commission shall, upon the passage of this act, and once every three years thereafter, require each county auditor and city or village sealer, in this state, to present all standards of weights and measures in their possession to him for comparison with the standards adopted by the state, and the agricultural commission shall condemn and destroy all of such standards as do not conform with the standards adopted by the state. Each county auditor and each city and village sealer shall be required to procure copies of all the original standards adopted by the state named in section seven thousand, nine hundred and sixty-six of the General Code, except such standards now in their possession as the agricultural commission shall find to conform with the standards adopted by the state. It shall be the duty of the agricultural commission to advise and assist all county, city and village sealers, and generally be charged with the enforcement of all laws relating to weights and measures, and in the performance of such duties it may use the services of any person employed under its department. The agricultural commission or any person employed by it for that purpose may try and prove any weights, measure, balance and any other weighing or measuring device, on request from any person, and when the same are found or made to conform to the state standards shall cause the same to be sealed and marked, as provided in section two thousand and six hundred and sixteen of the General Code.

Standards of weights and measures shall be kept at Columbus and comparisons made every three years.

County, city and village shall procure copies.

Proving and sealing.

Sec. 7965-1. The agricultural commission or its deputy, or any other duly authorized sealer of weights and measures or his deputy, may inspect and test any weight, meas-

ure, balance or other weighing or measuring device, wherever the same is used or maintained for use, and if such weight, measure, balance or other weighing or measuring device is found to be false or fraudulent, or cannot be made to conform to the legal standard, the same shall be condemned and confiscated by the said sealer or deputy sealer.

When weight or measure condemned and confiscated.

Sec. 7965-2. The agricultural commission or any duly authorized sealer of weights and measures or his deputy, shall inspect and test any weights and measures, balances and weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities both as to correctness of weight or quantity and value indicated by them; the commission or any sealer of weights and measures or his deputy shall seal such weights and measures, balances and weighing and measuring devices as shall be tested and found correct, and, after ten days' notice in writing to the owner, shall condemn or seize such as are found to be incorrect, and shall seal such weights and measures, balances, weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities only when correct both in indications of weight or quantity and value, and shall condemn or seize such in which the graduations or indications are found to be false or inaccurately placed either as to weight or quantity or value.

Examination, approving or condemning devices used to register price and weight or quantity.

Sec. 2616. The county sealer shall compare all weights and measures, brought to him for that purpose, with the copies of standards in his possession. When they are made to conform to the legal standards, the officer comparing them shall seal and mark such weights and measures. No weight, measure, balance or other weighing or measuring device shall be used or maintained for weighing and measuring in this state unless such weight, measure, balance or other weighing or measuring device has been sealed or marked by the agricultural commission or any employe of the commission detailed for that purpose, or by the county sealer or by the sealer of the city or village in which the same is used or maintained, by stamping upon each the letter "O" and the last two figures of the year in which it has been compared with legal standards, adjusted and found or made to conform to said standards, with seals to be provided by said agricultural commission for that purpose. Whoever violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned for not more than ninety days or both. A justice of the peace, police judge, or mayor shall have final jurisdiction in such cases as in cases of violation of law relating to the adulteration of food and drink and dairy products.

Comparison by county sealer.

Penalty; jurisdiction.

Sec. 1391. The agricultural commission shall appoint a chief warden and such number of deputy state wardens and special wardens as it deems necessary. The chief

Appointment of chief, deputy and special wardens.

warden and each deputy state warden shall hold his office for a term of two years unless sooner removed by the commission. Each special warden shall hold his office for such time as the commission directs and shall have the same powers and perform the same duties as a deputy state warden.

Bonds.

Sec. 1392. Before entering upon the discharge of the duties of his office, each warden shall give bond to the state; the chief warden in the sum of two thousand dollars, each deputy state warden in the sum of two hundred dollars, and each special warden in the sum of five hundred dollars, with two or more sureties approved by the agricultural commission, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the commission and the oath of office indorsed thereon, shall be deposited with the commission and kept in its office.

Duties.

Sec. 1393. The chief warden, special wardens and deputy state wardens shall enforce the provisions of this act and the laws relating to the protection, preservation and propagation of birds, fish and game. Under the direction of the agricultural commission, the chief warden shall visit all parts of the state and direct and assist special wardens and deputy state wardens in the discharge of their duties.

Compensation.

Sec. 1394. The agricultural commission may allow the chief warden, each special warden and each deputy state warden such compensation as it deems proper and his necessary expenses. In addition to the salaries and compensation herein provided, each warden shall be entitled to receive the same fees as sheriffs are allowed for like services in criminal cases. The salaries and expenses of the chief warden and each special warden and the compensation allowed each deputy state warden shall be paid by the state upon the order of the commission.

Judgment, costs, commitment.

Sec. 1405. If the defendant in a prosecution or condemnation proceeding under the provisions of this act is convicted, judgment shall be rendered against him for the costs in addition to the fine imposed or forfeiture declared. The judgment shall be the first lien upon his property and no exemption shall be claimed or allowed against such lien. If he fails to pay the fine and costs imposed or execution issued is returned unsatisfied, the person convicted shall be committed to the jail of the county or to a workhouse and there confined one day for each dollar of fine and costs adjudged against him. He shall not be discharged therefrom by any board or officer except upon payment of the fine and costs remaining unsatisfied or upon the order of the agricultural commission.

To whom act does not apply.

Sec. 1411. The preceding two sections shall not apply to a duly accredited person having a permit issued by order of the agricultural commission authorizing him to collect birds, their nests, and eggs for scientific purposes only. The applicant for a permit shall present to the commission the written testimonials of two well known scientific persons or teachers of science, certifying to the good character and fitness of the applicant and pay the commission a fee of

five dollars. He shall also give a bond to the state in the sum of one hundred dollars with two or more sureties approved by the commission that he will not kill a bird or take the nests or eggs of a bird for any other purpose than that provided herein, which bond shall be kept in the office of the commission. Each permit shall be in force for one year from the date of its issue and shall not be transferable, but upon the forfeiture of a bond of a person, his permit shall become void.

Non-resident hunter's license; fee.

Sec. 1421. A non-resident who desires to hunt in this state shall make application for a hunter's license to the clerk of courts of the county in which he desires to hunt, and for such license pay a fee of fifteen dollars and an additional fee of twenty-five cents if demanded by the clerk of courts. The form of such license shall be prepared by the agricultural commission and approved by the attorney general, and shall entitle the person to whom it is issued to hunt within this state in a lawful manner and to take with him from the state game and birds killed by him not to exceed fifty of all kinds. Such licenses, in the form approved and blanks required for reports and records shall be furnished by the agricultural commission to the clerk of courts in each county.

Record of licenses issued; report.

Sec. 1423. The clerk of courts shall keep a record of each license issued, which record shall be open at all reasonable hours for inspection. He shall make a report to the agricultural commission in such form as it requires during the month of December of each year of the number of licenses issued to hunters during the preceding year and transmit it with the moneys received by him for licenses to the president of the agricultural commission. The moneys so collected shall be paid into the state treasury to the credit of the general revenue fund.

Expiration and revocation of license.

Sec. 1424. Each license issued in accordance with the preceding sections shall expire on the fifth day of December next after its issue, but the agricultural commission may revoke it at any time upon satisfactory proof that its holder has hunted in violation of law. No license shall be granted to a person whose license has been revoked, for a period of one year thereafter.

Fishing license.

Sec. 1435. No person, firm or corporation shall use or operate for the purpose of catching fish, a boat, net or device, other than hook and line with bait or lure, in the Lake Erie fishing district of this state, without a license from the agricultural commission. Applications for licenses and all licenses herein required shall be in such form as the commission may prescribe.

Issuance and exhibition of license.

Sec. 1437. When a person, firm or corporation applies to the agricultural commission for a license required by the preceding two sections, the commission, upon receiving the license fees, prescribed in such sections, shall issue such license duly signed by the agricultural commission. Such license shall remain in force and entitle the holder thereof to fish as permitted by law from the date of issue to and

including the last day of the season for which such license was issued. The license required by the preceding two sections shall be carried by an operator of boats, nets or other devices while being used in the catching of fish, and exhibited on demand to any warden, constable, sheriff, deputy sheriff, police officer or agricultural commission. It shall be unlawful for any licensee having such license in his possession to refuse to exhibit it on demand to any proper officer or member of the agricultural commission.

Metal tags, how and on what nets used.

Sec. 1438. The agricultural commission shall issue to each person licensed to catch fish in the Lake Erie fishing district one metal tag for each net or other device, other than a gill net, or hook and line, used by such licensee for catching fish in such district. No licensee shall use such net or other device, other than a gill net, or hook and line, without attaching such tags thereto in such manner as the commission may prescribe. If such tags are not attached to such nets or other devices as herein required, it shall be prima facie evidence that they have not been procured. It shall be unlawful for any one to fish in any of the waters of the Lake Erie fishing district with any trammel net.

Penalties for violations.

Sec. 1445. Whoever violates any provision of sections fourteen hundred and nine to fourteen hundred and forty-four, both inclusive, shall be fined not less than twenty-five dollars nor more than two hundred dollars, and the costs of prosecution, and upon default of payment of fine and costs shall be committed to the jail of the county or to some workhouse and there confined one day for each dollar of the fine and costs against him. He shall not be discharged or released therefrom by any board or officer except upon payment of the portion of the fine and costs remaining unserved or upon the order of the agricultural commission.

Use of quicklime, explosive, etc., prohibited.

Sec. 1446. No person shall take, catch, or kill fish in any waters, over which the state of Ohio has jurisdiction, by means of quicklime, electricity, or any kind of explosive or poisonous substance, or place or use quicklime, electricity, explosive or poisonous substances in any such waters except for engineering purposes and upon the written permission of the agricultural commission.

Exception as to German carp.

Sec. 1453. German carp may be taken or caught at any time in the bays, marshes, estuaries or inlets bordering upon, flowing into or in any manner connected with Lake Erie, with any seine, having meshes not less than four inches, stretched mesh. Other nets or devices may be used if authorized by the agricultural commission. Written permission to catch carp in such waters shall be granted to any person making application to the commission for such privilege who satisfies the commission that he will not violate a law for the protection of fish. Such permission may be revoked by the commission upon conviction of the holder thereof for taking fish contrary to law.

Privileges of commission agents and employes.

Sec. 1454. Nothing in this chapter shall prevent the agricultural commission, its agents and employes from taking fish at any time or place or in any manner for the main-

tenance or cultivation of fish in hatcheries or for the purpose of stocking ponds, lakes or rivers, or from exterminating carp in any waters.

Taking of spawn.

Sec. 1455. For the purpose of obtaining spawn for the fish hatcheries, the agricultural commission may place its agents in any boat used in taking fish and pay for such spawn such amount as it may fix. No person engaged in fishing shall refuse to take such agents in such boat owned by him or under his control or to afford them opportunity to take spawn, or to hinder them in the performance of such duty.

Disposition of fees, fines, penalties and forfeitures.

Sec. 1460. All fines, penalties and forfeitures arising from prosecutions, convictions, confiscation, or otherwise under this act, unless otherwise directed by the agricultural commission shall be paid by the officer by whom the fine is collected to the agricultural commission and by it paid into the state treasury to the credit of a fund which is hereby appropriated for the use of the agricultural commission. All moneys collected as license on nets in the Lake Erie fishing district under this act shall be paid by the agricultural commission into the state treasury as a special fund to be used in the betterment and maintenance of fish hatcheries in the Lake Erie fishing district and the propagation of fish therein, or in otherwise propagating fish in such district; and for that purpose such fund is hereby appropriated, and shall be paid out upon the order of the agricultural commission, but shall not be used or paid out for any purpose other than the purposes for which such fund is appropriated.

Enforcement of laws relating to protection of birds, fish and game.

Sec. 485. All lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes, with respect to the enforcement of all laws relating to the protection of birds, fish and game, shall be under the supervision and control of the agricultural commission. All laws for the protection of fish in inland rivers and streams of the state, and all laws for the protection of birds, fish and game shall apply to all such state reservoirs and lakes.

Copies authorized printed of reports of appointive state officers and boards.

Sec. 2269. The annual reports of the appointive state officers and boards shall be printed as follows:

Adjutant general, eight hundred copies.

Superintendent of banks, seven hundred copies.

Agricultural commission, five thousand copies.

Commission for the blind, two thousand copies.

State board of dental examiners, two hundred and fifty copies.

State fire marshal, two thousand five hundred copies.

State board of health, three thousand two hundred and fifty copies.

State highway commission, five thousand copies.

Superintendent of insurance as follows: Life insurance, one thousand two hundred copies; other than life, one thousand two hundred copies; building and loan, one thousand five hundred copies.

Commissioner of labor statistics, three thousand five hundred copies.

State board of library commissioners, three hundred copies.

Chief inspector of mines, five thousand copies.

State inspector of oils, three hundred copies.

Supervisor of public printing, four hundred copies.

State railroad commission, each report to contain a railroad map of the state, seven hundred copies; in addition there shall be printed railroad maps on cloth paper to be mounted on rollers, eight thousand copies; in pocket edition form, sixteen thousand copies.

Ohio state university, five thousand copies.

Chief inspector of workshops and factories, one thousand seven hundred and fifty copies.

Binding of reports.

Sec. 2274. The reports of the secretary of state, auditor of state, attorney general, commissioner of common schools, superintendent of insurance, state railroad commission, agricultural commission, chief inspector of mines, and the commissioner of labor statistics, shall be bound in muslin. The reports of other state officers and boards, and of the benevolent and correctional institutions, shall be bound in brochure covers, unless otherwise ordered by the general assembly.

Penalty for trespassing at state pleasure resorts.

Sec. 12521. Whoever disturbs, injures or destroys a tree, plant, lawn, embankment, decoration or other property, or kills, injures or disturbs a water fowl, water animal, bird or game kept as a semi-domestic pet upon an island or within the boundary lines of Buckeye lake, Indian lake or Portage lake, or an embankment or state lands adjacent thereto, shall be fined not less than twenty-five dollars nor more than two hundred dollars and imprisoned one day for each dollar of fine and costs until paid or he is discharged upon the order of the agricultural commission.

Hunting or trapping on lands, etc., of another without permission.

Sec. 12523. Whoever hunts or traps upon lands, ponds, lakes or private waters of another, except waters claimed by riparian right of ownership in adjacent lands, or thereon shoots, shoots at, catches, kills, injures or pursues a bird, wild fowl or wild animal without obtaining written permission from the owner or his authorized agent, shall be fined not less than ten dollars nor more than fifteen dollars, and, for each subsequent offense, shall be fined not less than fifteen dollars nor more than fifty dollars. In default of payment of such fine and costs, he shall be committed to the jail of the county or to a workhouse and there confined one day for each dollar of such fine and costs. He shall not be discharged therefrom except upon payment of the portion of the fine and costs remaining unsatisfied, or upon the order of the agricultural commission.

Information furnished agricultural commission.

Sec. 265. Upon receiving from the county auditors the reports required of them showing the number of sheep killed or injured by dogs, the loss sustained by reason thereof, the amount paid thereon by the county, and the balance of the fund for that purpose, the auditor of state shall prepare

and furnish the agricultural commission a statement embodying the information so received and presented by counties, for publication in the annual report of the commission.

Duties and powers of inspectors.

Sec. 6087. The inspectors appointed by the agricultural commission, by personal visitation or otherwise, shall make investigations to secure the names of all persons, firms or corporations liable to such assessment or increased assessment, whose names are not already on the duplicate, and report such names to the agricultural commission. In the performance of the duties imposed by this section on the agricultural commission and its inspectors they shall exercise the same powers as are now conferred by sections 830, 831 and 832 of the General Code.

Duty of agricultural commission.

Sec. 6088. The agricultural commission, upon the report and information submitted to it, shall determine and forthwith certify to the auditor of state, the names of all persons, firms or corporations liable to such assessment or increased assessment, whose names are not already on the duplicate, together with a description of the real estate upon which said business is carried on. The agricultural commission shall keep a record of all such cases so certified by it to the auditor of state.

Duty of the auditor of state.

Sec. 6089. Thereupon the auditor of state shall cause all of such names to be entered upon the assessment duplicate of the proper county by the auditor thereof, together with a penalty of twenty per cent. thereon, which shall be collected in like manner as other assessments. Upon the request of the agricultural commission the auditor of state and county treasurers shall forthwith make a report to it of their action upon all cases certified by it to the auditor of state until the duties and penalty thereon are paid into the county treasury.

Correction of errors and remission of assessment.

Sec. 6091. The auditor of state, with the consent and approval of the agricultural commission may correct any errors or remit any such assessment or increased assessment, together with the penalty thereon, if it is found to have been erroneously or illegally certified.

Return of statistics; agricultural statistics.

Sec. 3357. At the time he returns the lists of personal property for taxation, the assessor shall make return of all such statistics to the county auditor. On or before the first day of August, each year, the county auditor shall make return to the auditor of state of all statistics returned to his office, except those statistics under the head of "agriculture," which he shall return to the agricultural commission on or before the tenth day of July, each year, and the commission may compile and publish them in the monthly crop and stock bulletins and annual report.

Farmers' institute society.

Sec. 9916. When twenty or more persons, residents of a county, organize themselves into a farmers' institute society, for the purpose of teaching better methods of farming, stock raising, fruit culture, and business connected with agriculture, and adopt a constitution and by-laws conforming to rules and regulations furnished by the agri-

cultural commission, and when such society has elected proper officers and performed such other acts as are required by the rules of the commission, it shall be a body corporate.

Annual meetings.

Sec. 9917. Not to exceed five farmers' institute societies so organized shall hold annual meetings under the auspices of the agricultural commission in any one county. The commission may determine the number, and name the times and places for holding such institute meetings.

Expenses, state and local; how paid.

Sec. 9918. When a society so organized has held an annual farmers' institute meeting in accordance with the rules of the agricultural commission, the secretary of the commission shall issue certificates, one to the president of the farmers' institute society and one to the president of the agricultural commission, setting forth such facts. On the presentation of such certificates to the county auditor, he, each year, shall draw orders on the treasurer of the county as follows: one in favor of the president of the agricultural commission for one hundred and seventy-five dollars and one in favor of the president of each farmers' institute society in the county, holding meetings under the auspices and by the direction of the agricultural commission, for the amount of the actual expenses and not to exceed twenty-five dollars to pay necessary local expenses, and when such expenses have been itemized and certified to by the president of an institute and submitted to the agricultural commission, such commission shall authorize the county auditor to issue a warrant, and the treasurer of the county shall pay them from the county fund. But in no county shall the total annual sum exceed three hundred dollars, nor shall the payment to a farmers' institute society exceed the expenses, as per detailed statement provided in the following section.

Maximum expenditure.

Certificate; statement of expenses.

Sec. 9919. With each certificate of the secretary of the agricultural commission to the county auditor, which certificate shall show the number of societies organized in the county and holding meetings by direction of the agricultural commission, and before he issues his order on the treasurer, there shall be filed with the auditor a detailed statement of the expenses of the institute for the current year, no part of which shall be for salaries of officers of the institute society. This provision does not apply to the order in favor of the president of the agricultural commission.

Lecturers.

Sec. 9920. At the annual farmers' institute meetings, held as herein provided, and under the auspices of the agricultural commission, the commission shall furnish lecturers or speakers whose compensation and expenses it shall pay.

Publication and distribution of lectures and papers.

Sec. 9921. At the close of each season's institute work, the agricultural commission, in pamphlet or book form, may publish such lectures and papers delivered at the several institute meetings, as seem of general interest and importance to the farmers, stock breeders and horticulturists

of the state, copies of which shall be furnished the secretary of each institute society, and the remainder be for general distribution. The cost of preparing and distributing the pamphlet or book shall be paid by the agricultural commission. The commission shall also publish therein a detailed statement of its receipts under the foregoing provisions, and the disbursements on account of institute work.

Sale of cocaine regulated.

Sec. 12672. Whoever sells, barters, furnishes or gives away any quantity of cocaine, alpha or beta eucaine or alypin, or any of their salts or compounds, or any preparation or mixture containing any of the aforesaid drugs or their salts or compounds of any of the combinations, of the same, except upon the prescription of a physician, veterinary surgeon or dentist duly licensed under the laws of this state, which prescription shall contain the name of the physician, veterinary surgeon or dentist issuing it, the date of issue and the name of the person for whom it is issued; or fails to keep such prescription on file for at least two years, in such manner that it is accessible at all reasonable times to the inspection of the proper officer or officers of the law and the agricultural commission, or fills such prescription more than once, shall be fined not less than fifty dollars nor more than five hundred dollars for the first offense, and for each subsequent offense shall be imprisoned not less than one year nor more than five years in the penitentiary. This section does not extend to sales at wholesale of any quantity of the above mentioned drugs to duly registered pharmacists, physicians, dentists or veterinary surgeons.

Prescription on file for two years.

Penalty.

Exceptions.

Disposition of fines.

Sec. 12673. It shall be the duty of the agricultural commission to enforce the provisions of section twelve thousand six hundred and seventy-two, and all fines collected under section twelve thousand six hundred and seventy-two shall be paid to the agricultural commission, and by it covered into the state treasury.

Agricultural commission shall enforce laws relating to the practice of pharmacy.

Sec. 1313. The agricultural commission shall enforce the laws relating to the practice of pharmacy. If it has information that any provision of the law has been violated, it shall investigate the matter, and, upon probable cause appearing, file a complaint and prosecute the offender. Fines assessed and collected under prosecutions commenced or caused to be commenced by the agricultural commission shall be paid into the state treasury each month to the credit of the general revenue fund.

Record of acts and investigations; report.

SECTION 122. The agricultural commission shall keep a record of its acts and investigations, and shall make an annual report to the governor giving the results of its activities with such recommendations as it may deem proper. The agricultural commission may also publish and distribute bulletins from time to time on matters of general interest relating to the work of the commission.

Each section declared independent.

SECTION 123. Each section of this act, and every part thereof is hereby declared to be an independent section,

and part of section, and if any section or part of a section is void or ineffective for any cause, it shall not affect any other section or part of a section of this act. Repeals.

SECTION 124. That sections 368 to 381 inclusive, 776, 1079 to 1177 inclusive, 1387 to 1389 inclusive, and original sections 1390 to 1394 inclusive, 1405, 1411, 1421, 1423, 1424, 1435, 1437, 1438, 1445, 1446, 1453, 1454, 1455, 1460, 1485, 265, 485, 1313, 1850, 2269, 2274, 2616, 3357, 5782, 6087, 6088, 6089, 6091, 6336, 7965, 7965-1, 9916 to 9921 inclusive, 12521, 12523, 12672, 12673, 12743, 12757, 12794, and 12798 of the General Code be and the same are hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 15th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
147 G.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

[Senate Bill No. 297.]

AN ACT

To appoint a committee to revise the laws relating to public highways and to recommend changes in the existing laws.

WHEREAS, A general public sentiment through the state exists for the correction and adjustment of our road laws so that public moneys for these purposes may be more intelligently expended, therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a committee be appointed to examine the road laws of this state and other states and to recommend to the governor for transmission to the next session of the general assembly such changes and amendments in the organic or statute law of the state as they may deem necessary for the best policy upon this subject. Committee to revise and recommend changes in road laws.

SECTION 2. Such committee shall consist of five members appointed by the governor. The members of the committee shall serve without compensation, but shall receive their actual and necessary expenses and shall be granted a room in the capitol building in which to hold their meetings, a stenographer, a special counsel and such other expenditures necessary to enable them to perform the duties imposed upon them by the state. Number of members; employes.

SECTION 3. There is hereby appropriated out of the moneys in the state treasury to the credit of the general Appropriation.

revenue fund not otherwise appropriated, the sum of three thousand dollars for the purpose herein specified.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
148 G.

[Senate Bill No. 195.]

AN ACT

Authorizing any state adjoining the state of Ohio to locate, construct, maintain and operate a canal or waterway within the state of Ohio, granting to any board or commission, or officer or officers, authorized by said adjoining state to carry on said work, the right to exercise all their powers, faculties and privileges in the state of Ohio, including the power to acquire property and rights by purchase, condemnation or otherwise, making applicable to said board or commission, or officer or officers, certain sections of the General Code of Ohio relating to ship canal companies, and prescribing the conditions under which the authority herein conferred is given.

Be it enacted by the General Assembly of the State of Ohio:

Section 13996-1. Authorizing adjoining state to construct and operate canal or waterway within Ohio.

SECTION 1. That whenever any state adjoining the state of Ohio shall authorize the construction, maintenance and operation, under its authority, management and control, of a canal or waterway to connect the Great Lakes with the navigable waters of said adjoining state by a route partly within said state and partly within this state it shall have authority to locate, construct, maintain and operate within this state so much of said canal or waterway as may lie therein, together with all such locks, dams, aqueducts, feeders, docks, harbors, reservoirs, basins, piers, quays, bridges, viaducts, sidings, and all other structures, works, appliances, devices or equipment of any and all kinds which may be necessary or convenient for the proper construction, maintenance and operation of said canal or waterway, and any board or commission, or officer or officers of said adjoining state to whom has been, or shall be delegated authority to carry on said work, may exercise and enjoy within this state all of their powers, faculties and privileges conferred by the said adjoining state and not inconsistent with the laws of this state, including the power to acquire on behalf of said state property and rights by purchase, condemnation or otherwise. And any such board or commission, or officer or officers, of said adjoining state shall be entitled to all the rights and privileges granted to, and be subject

to all the requirements and restrictions imposed upon ship canal companies by sections 9199, 9201, 9202, 9203, 9204, 9205, 9206, 9207, 9208, 9209, 9210, 9211, 9212, 9213, 9214, and 9215 of the General Code of Ohio.

Condition.

The authority and rights herein conferred are conferred upon the condition that the said adjoining state shall authorize said board or commission, or officer or officers of said state to be sued in courts of competent jurisdiction of this state or any cause of action arising within the state in the same manner, and to the same extent as a corporation organized under the general laws to construct, maintain, and operate such canal or waterway and appurtenances could be sued.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
149 G.

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[Senate Bill No. 85.]

AN ACT

To authorize any corporation organized for the purpose of conducting and maintaining an orphans' home, or home for friendless children, to turn over the funds of said corporation to the county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

Section 3080-1.

SECTION 1. That any corporation organized under the laws of this state for the purpose of establishing, conducting and maintaining an orphans' home, or home for friendless children, that is unable from any cause to conduct and maintain such orphans' home, or home for friendless children, and has not for a period of three successive years conducted and maintained a place or establishment for the care of orphans, or friendless children, and said corporation has in its hands funds or property acquired by it for the purpose of establishing, conducting and maintaining such home be, and it is hereby authorized to transfer such funds or property in its possession to the commissioners of the county in which such corporation had its principal place of business, to be used by said commissioners under the laws of Ohio for the purpose of establishing, conducting and maintaining such an orphans' home, or home for friendless children, and the transfer by the trustees of such cor-

Corporation conducting orphans' home authorized to transfer funds to county commissioners, when.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

poration to said commissioners of said funds and property, shall be a full discharge of the liability of said trustees therefor.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 10th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
150 G.

[Senate Bill No. 120.]

AN ACT

To authorize and empower the trustees of the Ohio state university to establish and maintain in said university a college of medicine and a college of dentistry.

Be it enacted by the General Assembly of the State of Ohio:

Section 7954-1. SECTION 1. That for the purpose of advancing and promoting the science and art of medicine and the science and art of dentistry, the board of trustees of the Ohio state university be, and they are hereby authorized and empowered to create, establish, provide for and maintain in said university a college of medicine and a college of dentistry; and to negotiate for and receive conveyances and transfers of property, both real and personal, to be used for the purposes aforesaid; and to accept the students now in attendance at any college of medicine, dentistry or pharmacy whose property is so acquired, with the rank and standing as certified by the proper officers of such college; and to take such steps as may be necessary to protect the professional rights of the alumni of such college or colleges and their predecessors; and to receive from such college or colleges such papers and records as may be necessary for that purpose.

Establishment of colleges of medicine and dentistry in Ohio state university.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
151 G.

[House Bill No. 576.]

AN ACT

Establishing a municipal court for the city of Hamilton, Butler county, Ohio, and fixing the jurisdiction thereof, and providing for a judge thereof, and other necessary officers, and defining their powers and duties.

Be it enacted by the General Assembly of the State of Ohio:

Section 1579-90. "The Municipal Court of the City of Hamilton, Ohio."

SECTION 1. That there be, and hereby is created a court of record for the city of Hamilton, Butler county, Ohio, to be styled "The Municipal Court of the City of Hamilton, Ohio", (the jurisdiction thereof, to be as herein and hereinafter fixed and determined.)

Section 1579-91. "Municipal Judge," qualifications, election, term, salary.

SECTION 2. Said municipal court shall be presided over by one judge, to be designated herein as a "Municipal Judge", which office is hereby created, and whose term of office shall be for a period of four years, at a salary of two thousand dollars per annum, payable in monthly installments, out of the treasury of the city of Hamilton, Ohio. Said municipal judge at the time of his election or appointment shall be a qualified elector and resident of the city of Hamilton, Ohio, and have been admitted to the practice of law in the state of Ohio for not less than five years. Said judge shall be elected at the next regular municipal election after the going into effect of this act, for a term of four years, commencing on the first day of January next, after said election and shall hold said office until his successor is elected and duly qualified.

Section 1579-92. Jurisdiction.

SECTION 3. Said municipal court herein established shall have the same jurisdiction in criminal matters and prosecutions for misdemeanors, or violations of ordinances as heretofore had by the mayor of Hamilton and any justice of the peace, and in addition thereto shall have ordinary civil jurisdiction within the limits of said city of Hamilton in the following cases:

1. In all actions and proceedings of which justices of peace, or such courts as may succeed justice of the peace courts, have or may be given jurisdiction.

2. In all actions and proceedings for the recovery of money and of personal property of which the court of common pleas has, or may be given jurisdiction, when the amount claimed by any party, or the value of the personal property sought to be recovered, does not exceed $500.00 and in such actions judgment may be rendered for over $500.00 when the amount over $500.00 shall consist of interest or damages, or costs accrued after the commencement of the action.

3. All actions on contracts expressed or implied, when the amount claimed by the plaintiff, exclusive of all costs, does not exceed $500.00. When a cause arising out of a contract is pending in the municipal court and when the ends of justice demand that the contract or contracts be

reformed or rescinded, the municipal court shall have jurisdiction to decree such reformation or rescission.

4. All actions or proceedings whether legal or equitable to enforce the collection of its own judgments.

5. All actions for the sale of personal property under chattel mortgage, lien or other change or encumbrance upon personal property, and for marshaling of all liens thereon when the appraised value of such property shall not exceed $500.00.

6. All actions and proceedings for the sale of personal property under lien of judgment of the municipal court or lien for material or fuel furnished or labor performed and for the marshaling of all liens thereon.

7. All actions and proceedings in the nature of creditor's bills in aid of execution, to subject the interest of a debtor in real or personal property to the payment of a judgment of the municipal court.

8. All actions and proceedings in the nature of interpleader and involving $500.00 or less, but parties may interplead as to larger amounts in any action originally instituted involving $500.00 or less.

Section 1579-93. Ancillary and supplemental proceedings.

SECTION 4. In all causes the municipal court shall have jurisdiction in every ancillary and supplemental proceeding, before and after judgment, including attachment of person or property, arrest before judgment, interpleader, aid of execution and the appointment of a receiver, for which authority is now, or may hereafter be conferred upon the court of common pleas, or a judge thereof, or upon justices of the peace.

Section 1579-94. Misdemeanors and felonies.

SECTION 5. The municipal court shall have jurisdiction of all misdemeanors and of all violations of city ordinances of which police courts or the mayor in the municipalities now have or may hereafter be given jurisdiction. In felonies the municipal court shall have the powers which police courts or the mayor in municipalities now have or may hereafter be given.

Section 1579-95. Laws governing certain other courts applicable.

SECTION 6. In the actions and proceedings of which the municipal court has jurisdiction, all laws conferring jurisdiction upon a court of common pleas, a police court or a justice of the peace or the mayor, giving such court or officer power, to hear and determine such causes, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution or enforcement thereof, shall be held to extend to the municipal court, unless inconsistent with this act or plainly inapplicable.

Section 1579-96. Procedure when amount exceeds jurisdiction of court.

SECTION 7. When the amount due to either party exceeds the sum for which the municipal court is authorized to enter judgment, such party may remit the excess, and judgment be entered for the residue. A defendant need not remit such excess, and may withhold setting it off. A recovery for the amount set off and allowed, or any part of it, shall not be a bar to his subsequent action for the amount withheld.

Section 1579-97. SECTION 8. Whenever the appraised value of property sought to be recovered or sold (save in the excepted instances heretofore set forth) in any action in the municipal court exceeds $500.00 the judge of the municipal court shall certify the proceedings in the case to the court of common pleas of Butler county and thereupon the clerk of the municipal court shall file the original papers and pleadings, together with a certified transcript of the docket and journal entries in the case, in the office of the clerk of the said common pleas court. The bailiff shall turn over the property in his possession to the sheriff of Butler county, to be by him held as in like cases originating in the court of common pleas. The case must then proceed as if it had been commenced there.

When amount exceeds $500.

Section 1579-98. SECTION 9. Civil actions and proceedings in the municipal court shall be commenced as in the common pleas court and an action shall be deemed pending so as to carry notice thereof to third persons from and after the date of the summons served on the defendant or on one of the principal defendants or of the first publication of notice thereof.

Commencement of actions.

1. All writs and process in the municipal court shall be served and returned by the bailiff, or by publication, in the same manner as is now, or may hereafter be, provided by law for the service and return of writs and process in the court of common pleas. Where the manner of service is not so provided for, service and return may be made in the same manner provided by law for the service and return of process and writs issued by a police court or mayor or a justice of the peace.

2. The return day shall be fixed by rule of court and the summons or writs shall, unless accompanied with an order to arrest, be served at least three days before the time of appearance.

3. In all civil cases in the municipal court the plaintiff shall file a statement of claim and the defendant shall file a like statement of any setoff or counter claim he may desire to assert. A statement of defense shall be filed in such cases and within such time as may be required by rule of court. In cases where a statement of defense is required the summons shall set forth the date when such statement shall be filed, as fixed by rule of court, which shall be not less than five days, after the return day of the summons. The statement shall set forth in plain and direct language the facts constituting the cause of action, setoff, counter claim or defense.

4. To expedite the business and promote the ends of justice said judge may from time to time adopt, publish, and revise rules relating to the matters of practice and procedure, classify the causes of action in the court, and prescribe with reference to each class the degree or particularity with which cause of action, setoff, counter claim, or defense, shall be set up.

Section 1579-99. Procedure in criminal actions.

SECTION 10. In all criminal cases and proceedings the practice and procedure and mode of bringing and conducting prosecution for offenses, and the powers of the court in relation thereto, shall be the same as those which are now, or may hereafter be, possessed by police courts or the mayor in municipalities unless otherwise provided herein.

Section 1579-100. Annual report. Powers and duties of judge.

SECTION 11. In addition to the exercise of all other powers of a judge of said court, he shall render a complete annual report to the council of the city of Hamilton covering the preceding year, which report shall show the work performed by the court, a summary of all expenses of the civil and criminal branches of the court respectively, a statement of receipts and expenditures, the number of cases heard, decided and settled by the court, the number of decisions of the municipal court reversed or affirmed by a reviewing court, and such other data as the council may require. Said report shall be printed by the council for free distribution to the public. The conduct of the criminal branch shall be arranged by said judge, and he shall prescribe forms, establish a system for the docketing of causes, motions and demurrers; adopt and publish rules governing practices and procedure not otherwise provided for in this act; and designate the mode of keeping and authenticating the records of proceedings had before them. The judge of the court may summon and impanel jurors, tax costs; compel the attendance of witnesses, jurors and parties; issue process; preserve order; punish for contempts; and may exercise all powers which are now, or may hereafter be, conferred upon the court of common pleas or the judge thereof, or upon justices of the peace, or upon police courts of cities or the judges thereof, or are necessary for the exercise of the jurisdiction herein conferred and for the enforcement of the judgments and orders of the court.

Section 1579-101. Jury, number and qualification.

SECTION 12. All causes in the municipal court shall be tried to the court unless, before the day assigned for trial of a cause upon the merits of the cause, a jury shall be demanded in writing by either party to the action. In all civil actions where a jury shall be demanded, it shall be composed of six men, having qualification of electors unless the parties agree on a less number. Provided, however, that any party may demand a jury of twelve men by specifying that number in said written demand. In all actions and proceedings in said municipal court of which police courts in cities have or may hereafter be given jurisdiction, where a jury may be and is demanded, it shall be composed of twelve men having the qualifications of electors.

Section 1579-102. Costs.

SECTION 13. In all civil actions and proceedings the cost of summoning jurors and the fees of jurors shall be taxed as part of the costs, and such costs must be secured in advance by the party demanding jury.

Section 1579-103. Summoning and impaneling jury.

SECTION 14. Jurors in the municipal court shall be chosen, summoned and impaneled in the same manner and challenged for the same causes as jurors in the court of

common pleas; they shall have the same qualifications and receive the same fees as jurors in the court of common pleas; their fees shall be paid out of the treasury of the city of Hamilton. It shall be the duty of the judge of the municipal court to investigate all jurors summoned for service in the municipal court as to their qualification to act as such, and to have such persons rejected who do not appear to possess the qualifications required by law.

Section 1579-104. SECTION 15. In all causes the municipal court shall have the same authority to set aside a verdict or a judgment, and grant a new trial, as is now, or may hereafter be, conferred upon courts of common pleas. New trial.

Section 1579-105. SECTION 16. The calendar of the municipal court shall be divided into four terms of three months each, beginning respectively, on the first of January, April, July and October of each year. The judge of the municipal court may continue the session of any term of said court beyond the time fixed for the commencement of the next term, when such continuance is necessary to finish the trial of any cause, or to receive the verdict or pronounce judgment in any cause, the trial of which has been commenced during the term. Calendar.

Section 1579-106. SECTION 17. All lands and tenements, including vested interests therein, and permanent leasehold estates renewable forever, located within the city of Hamilton, shall be bound for the satisfaction of any judgment rendered in the municipal court from the first day of the term at which judgment is rendered; but judgments by confession, and judgments rendered at the same term at which the action is commenced shall bind such lands, tenements, vested interests and permanent leaseholds only from the day on which such judgments are rendered. Effect of judgments.

Section 1579-107. SECTION 18. The party in whose favor a judgment is rendered by the municipal court may file a transcript of such judgment in the office of the clerk of the court of common pleas, in the same manner and under the same conditions as are now, or may hereafter be, provided for the filing of transcripts of judgments rendered by justices of the peace; all provisions relative to transcripts of judgments and liens of judgments rendered by justices of the peace, shall, in so far as applicable, be applied to transcripts of judgments and liens of judgments rendered by the municipal court. Transcripts.

Section 1579-108. SECTION 19. The lien of judgment of the municipal court may be enforced in the court of common pleas in the same manner as the lien of a judgment rendered by the court of common pleas. Execution may be issued on such judgments at any time after a transcript thereof has been filed, as if the judgment had been rendered by the court of common pleas; but all liens shall remain as provided in this act. Enforcement of judgments.

Section 1579-109. SECTION 20. The records of the municipal court may be proved by the production of the original records, or by Proof of records.

a transcript thereof certified by the clerk of said court under its seal.

Section 1579-110. Index.

SECTION 21. The clerk of the municipal court shall make and maintain an alphabetical index of the names of all plaintiffs and defendants to suits filed in said court.

Section 1579-111. Proceedings in error.

SECTION 22. Proceedings in error may be taken to the common pleas court of Butler county from a final judgment or order of the municipal court in the same manner and under the same conditions as provided by law for proceedings in error from the common pleas court, to the court of appeals.

Section 1579-112. Error pertaining to matter of practice.

SECTION 23. No assignment of error in a reviewing court shall be allowed in any action which shall call in question the decision of the municipal court in reference to any matter pertaining to the practice in said court, provided, however, that the reviewing court may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where in the opinion of the reviewing court such relief is necessary to prevent a failure of justice.

Section 1579-113. Laws governing courts of common pleas applicable.

SECTION 24. The laws governing the court of common pleas as to security for costs except as herein otherwise provided for, motions for new trials, vacation or modification of judgments before and after terms, the referring of matters to a referee, the issuing of execution and orders for stay of execution, and the taking of depositions shall be held to apply, so far as applicable, to the municipal court. Provided, that a person against whom a judgment has been rendered in the municipal court may stay execution thereon by entering into a bond to the adverse party within ten days after the rendition of such judgment, with sufficient surety, who shall be a freeholder owning real property situated in the city of Hamilton, or a corporation authorized to execute surety bonds in this state, approved by the clerk of the court or a deputy, and conditioned for the payment of the amount of such judgment, interests, costs and costs that accrue. Such bonds shall be entered on the docket of the clerk of the court and shall be signed by such surety. Where a freeholder of the city of Hamilton is a surety, said undertaking shall be a lien on the real property of said freeholder situated in the city of Hamilton from the time of signing the undertaking until the judgment and all costs in the case upon which the stay of execution has been granted and satisfied.

Stay of execution.

The stay of execution hereby authorized shall be graduated as follows:

First: On a judgment of $50.00 and under, for thirty days.

Second: On a judgment exceeding $50.00 for ninety days.

Section 1579-114. SECTION 25. A clerk for said municipal court shall be elected at the next regular municipal election after the going into effect of this act for a term of four years, commencing on the first day of January next after said election and shall hold said office until his successor is duly elected and qualified and shall receive such compensation payable out of the treasury of the city of Hamilton not less than twelve hundred dollars per annum, payable in monthly installments, as the city council may prescribe. Deputies to the clerk shall be designated as hereinafter provided in this act. Clerk, election and salary.

Section 1579-115. SECTION 26. The clerk of the municipal court shall have power to administer oaths, and take affidavits and to issue executions upon any judgment rendered in the municipal court, including a judgment for unpaid costs; he shall have power to issue and sign all writs, process and papers issuing out of the court, and to attach the seal of the court thereto; shall have power to approve all bonds, recognizances and undertakings fixed by any judge of the court or by law; shall file and safely keep all journals, records, books and papers belonging or appertaining to the court, record its proceedings and perform all other duties which the judge of the court shall prescribe. He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fines and penalties; and shall pay the same quarterly to the treasurer of the city of Hamilton and take his receipt therefor, but money deposited as security for costs shall be retained by him pending the litigation; he shall keep a record showing all receipts and disbursements, which shall be open for public inspection at all times; and shall on the first Monday of each term of court make to the city auditor a report of all receipts and disbursements for the preceding term. Powers and duties of clerk.

Section 1579-116. SECTION 27. All money deposited as security for costs and all other moneys, other than costs, paid into the municipal court, shall be noted on the record of the cause in which they are paid and shall be deposited by the clerk in such banking institutions as shall be designed by the judge of the court, there to abide the order of the court and to bear interest at not less than two per cent per annum. On the first Monday in January of each year the clerk shall make a list of the titles of all causes in the municipal court which were finally determined more than one year past, in which there remains unclaimed in the possession of the clerk any of such funds, or any part of a deposit for security for costs not consumed by the costs in the case. The clerk shall give notice of the same to the parties entitled to said moneys, or to their attorneys of record. All such moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the city treasurer provided, however, that any part of such moneys shall be paid by such treasurer at any time to the person having the Deposit of moneys. Unclaimed costs.

right thereto upon proper certificate of the clerk of the court.

Section 1579-117. Bailiffs.

SECTION 28. The bailiff shall be appointed by the judge of such court and hold office during the pleasure of the court and may be removed at any time by the judge of the municipal court. Every police officer of the city of Hamilton shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or the clerk.

Section 1579-118. Designated bailiff for certain duties. Compensation, bond.

SECTION 29. One bailiff shall be designated as hereinafter provided for in this act. He shall perform for the municipal court, services similar to those usually performed by the sheriff for courts of common pleas and by the constable of courts of justice of the peace. Such bailiff shall receive such compensation not less than six hundred dollars per annum payable out of the treasury of the city of Hamilton in monthly installments as the council may prescribe. Before entering upon his duties, said bailiff shall make and file in the office of the clerk of the city of Hamilton, a bond in the amount of not less than two thousand dollars. The terms of said bond shall be subject to the approval of the judge of the court. The said bond shall be given for the benefit of the city of Hamilton and of any person who shall suffer loss by reason of a default in any of the conditions of said bond.

Section 1579-119. Costs, how taxed.

SECTION 30. The costs in said court in civil cases shall be two dollars in each case, exclusive of witness fees and juror fees and the costs of summoning the witnesses and jurors, but in criminal cases they shall be fixed by law. Such fees and costs of summoning such jurors and witnesses shall be fixed in the same manner as is now or may hereafter be, provided for in the court of common pleas, for witness fees and the cost of summoning them. Said costs of two dollars shall be payable in advance upon the institution of any proceeding unless the party instituting same shall make an affidavit of poverty and be allowed for good cause shown by the judge to institute his action without payment of such costs. There shall be no advance costs in any criminal proceeding or prosecution.

Section 1579-120. Accommodations for court and supplies.

SECTION 31. The council of the city of Hamilton shall provide suitable accommodations for the municipal court and its officers, including a private room for said judge and sufficient jury room. The council shall also provide for the use of the court complete sets of the reports of the supreme and inferior courts of Ohio and such other authorities as it shall be deemed necessary, and shall provide for each court room the latest edition of the General Code of Ohio, and necessary supplies including telephone, stationery, furniture, heat, light and janitor service.

Section 1579-121. Seal.

SECTION 32. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the

state and shall be one and three-fourths inches in diameter and shall be surrounded by these words: "The Municipal court of Hamilton, Butler county, Ohio", and shall have no other words or device engraved thereon.

Section 1579-122. SECTION 33. The solicitor for the city of Hamilton shall also be prosecuting attorney of the municipal court. He may designate such number of assistant prosecutors as the council of the city of Hamilton may authorize. The persons thus appointed shall receive for their services in city cases such salaries as the council prescribe. The prosecuting attorney of the municipal court shall prosecute all cases of a criminal nature brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county. The council of the city of Hamilton, by ordinance, shall provide for one or more official stenographers and fix their compensation, and provide for the payment of the same out of the city treasury, and the same shall be appointed by the judge of the municipal court and serve at his pleasure. The court shall regulate the charge for transcripts of testimony and the cost thereof shall be paid to the clerk and by him accounted for.

Solicitor and assistants.

Stenographers.

Section 1579-123. SECTION 34. Whenever the incumbent of any office created by this act shall be temporarily absent or incapacitated from acting, the judge shall appoint a substitute who shall have all the qualifications required of the incumbent of the office. Such appointee shall serve until the return of the regular incumbent, or until his incapacity ceases. In case said judge shall be incapacitated from sitting in any case, or by reason of absence or inability be unable to attend sessions of said court, the mayor of the city may appoint some attorney having the qualifications required by this act, to act in his stead until said judge is able to resume his said position.

Substitute in case of temporary absence.

Section 1579-124. SECTION 35. All proceedings, judgments, executions, dockets, papers, moneys, property and persons subject to the jurisdiction of the mayor's court of the city of Hamilton and the courts of any justice of the peace for Hamilton township on December 31st, 1913, shall be turned over to the municipal court herein created; and thereafter the cause shall proceed in the municipal court as if originally instituted therein, the parties making such amendments to their pleadings as required to conform to the rules of said court.

Dockets and proceedings of mayor's and justices' courts turned over to municipal court.

Section 1579-125. SECTION 36. The judge of the municipal court shall be subject to the same disabilities and may be removed from office for the same causes as the judges of the court of common pleas. The vacancies arising from any cause shall be filled as prescribed for the filling of vacancies of police courts.

Section 1579-126. SECTION 37. Upon the qualification of the "Municipal Judge" as provided for in section 2 hereof, the jurisdiction of the mayor of the city of Hamilton and of all justices of

Abolishment of justices' court.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

the peace in Hamilton Township, in all civil and criminal matters shall cease and no justice of the peace or constable shall thereafter be elected in Hamilton township.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
152 L.

[House Bill No. 329.]

AN ACT

To provide for the establishment of a municipal court in and for the city and township of Youngstown, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 1579-127. Establishment of "The municipal court of Youngstown."

SECTION 1. That there shall be, and hereby is, established in and for the city of Youngstown and township of Youngstown, Ohio, a municipal court, which shall be a court of record and shall be styled "The municipal court of Youngstown, Ohio," hereinafter designated and referred to as the municipal court.

Section 1579-128. Judges constituting court and qualifications.

SECTION 2. The municipal court shall consist of two judges, one of whom shall be presiding judge to be selected as hereinafter provided, and such additional number of judges as the legislative authority of the city of Youngstown may hereafter determine, and all of whom shall at the time of their election or appointment be qualified electors and residents of the city of Youngstown or Youngstown township, Ohio.

Section 1579-129. Salary of judges.

SECTION 3. Judges of the municipal court shall receive such compensation, payable out of the treasury of Mahoning county not less than six hundred dollars per annum, as the county commissioners may prescribe, and out of the treasury of Youngstown township not less than four hundred dollars per annum, as the township trustees may prescribe, and such further compensation, not less than two thousand dollars per annum payable in monthly installments out of the treasury of the city of Youngstown, as the council or other legislative authority may prescribe.

Vacations.

The vacation of the respective judges of the municipal court shall not exceed thirty days during each year, and shall be at such times as fixed by the presiding judge, and at least two judges shall be in attendance at all times.

Section 1579-130. Removals.

SECTION 4. The judges of the municipal court shall be subject to the same disabilities and may be removed from office for the same causes as a judge of the court of common pleas.

Section 1579-131. SECTION 5. The judges of the municipal court shall be nominated by petition, as is now, or may hereafter be, provided by law, and shall be elected by the electors of the city of Youngstown and Youngstown township, as is now, or may hereafter be, provided by law for the election of judicial officers. Nomination and election.

The first election of said judges respectively shall be held at the regular municipal and township election of 1913, at which time one judge shall be elected for four years, and one for two years. At the regular municipal and township election next preceding the expiration of the term of office of each judge respectively a successor shall be elected for a term of four years. The term of office of each respective judge shall commence on the first day of January next after his election, and he shall hold office until his successor is elected and qualified.

Section 1579-132. SECTION 6. The municipal court shall have original civil jurisdiction within the limits of the city of Youngstown and Youngstown township in the following cases: Jurisdiction.

1. All actions and proceedings of which justices of the peace as provided by law now have, or may hereafter be given jurisdiction.

2. All actions and proceedings at law for the recovery of money or personal property of which the courts of common pleas, have, or may be given jurisdiction, when the amount claimed by any party, or the appraised value of the personal property sought to be recovered, does not exceed one thousand dollars, and in such actions judgment may be rendered for over one thousand dollars when the excess over one thousand dollars shall consist of interest or damages, or costs accrued after the commencement of the action.

When a cause rising out of contract is pending in the municipal court the municipal court shall have jurisdiction to decree reformation or cancellation under the ordinary rules and proceedings in equity.

3. All actions and proceedings whether legal or equitable, to enforce the collection of its own judgments.

4. All actions and proceedings for the sale of personal property under a chattel mortgage, lien or other charge or incumbrance upon personal property, and for the marshalling of all liens thereon.

5. All actions and proceedings for the sale of real property under the lien of a judgment of the municipal court, or a lien for machinery, material or fuel furnished or labor performed and for the marshalling of all liens thereon.

6. All actions and proceedings in the nature of creditor's bills in aid of execution, to subject the interest of a judgment debtor in real or personal property to the payment of a judgment of the municipal court.

Section 1579-133. SECTION 7. In all causes the municipal court shall have jurisdiction in every ancillary and supplemental proceeding, before and after judgment, including attachment of

person and property, arrest before judgment, interpleader, aid of execution and appointment of a receiver for which authority is now, or may hereafter be, conferred by law upon the court of common pleas, or a judge thereof, or upon justices of the peace.

Section 1579-134. SECTION 8. The municipal court shall have jurisdiction of all misdemeanors and all violations of city ordinances of which police courts in municipalities now have or may hereafter be given jurisdiction. In felonies the municipal court shall have powers which police courts in municipalities and justices of the peace now have or may hereafter be given. Also of all misdemeanors and all violations of the criminal laws of the state of which the criminal court of the city of Youngstown or justices of the peace now have or may hereafter be given jurisdiction.

Section 1579-135. SECTION 9. In the actions and proceedings of which the municipal court has jurisdiction, all laws conferring jurisdiction upon a court of common pleas, a police court, a criminal court, or a justice of the peace, giving such court or officer power to hear and determine such causes, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution or enforcement thereof, shall be held to extend to the municipal court, unless inconsistent with this act or plainly inapplicable.

Section 1579-136. SECTION 10. When the amount due to either party exceeds the sum for which the municipal court is authorized to enter judgment, such party may remit the excess, and judgment be entered for the residue. A defendant need not remit such excess, and may withhold setting it off. A recovery for the amount set off and allowed, or any part of it, shall not be a bar to a subsequent action for the amount withheld.

Section 1579-137. SECTION 11. Whenever the appraised value of property sought to be recovered in any action in the municipal court exceeds one thousand dollars, the judge of the municipal court shall certify the proceedings in the case to the court of common pleas of Mahoning county, and thereupon the clerk of the municipal court shall file the original papers and pleadings, together with a certified transcript of the docket and journal entries in the case, in the office of the clerk of the said common pleas court. The bailiff of the municipal court shall turn over the property in his possession to the sheriff of Mahoning county, to be by him held as in like cases originating in the court of common pleas. The case must then proceed as if it had been originally commenced in the court of common pleas.

Section 1579-138. SECTION 12. Civil actions and proceedings in the municipal court shall be commenced by summons or writ, the form of which shall be prescribed by rule of the municipal court, except as herein otherwise provided. An action or proceeding shall be commenced on delivery of the summons or writ by the clerk to the bailiff for service.

Commencement of actions.

1. All summons, writs and process of the municipal

court shall be served and returned by the bailiff, or by publication, in the same manner as is now, or may hereafter be, provided by law for the service and return of summons, writs and process in the courts of common pleas. When the manner of service and return is not provided for, service and return may be made in the same manner provided by law or as may hereafter be, provided by law for the service and return of summons, writs and process issued by a police court or justice of the peace.

2. The return day shall be fixed by rule of the municipal court and the summons, writ or process, unless accompanied with an order of arrest, be served at least three days before the time of appearance.

3. In all civil cases in the municipal court the plaintiff shall file a statement of claim and the defendant shall file a like statement of any setoff or counterclaim he may desire to assert.

A statement of defense shall be filed in such cases and within such time as may be required by rule of the municipal court. In cases where a statement of defense is required the summons shall set forth the date when such statement shall be filed, as fixed by rule of the municipal court, which shall not be less than five days after the return day of the summons. The statement shall set forth in plain and direct language the facts constituting the cause of action, setoff, counterclaim, or defense.

4. To expedite the business and promote the ends of justice, the judges of the municipal court may from time to time adopt, publish and revise the rules relating to matters of practice and procedure, classify the causes of action in said court, and prescribe with reference to each class the degree of particularity with which the cause of action, setoff, counterclaim, or defense shall be set up.

Section 1579-139. Procedure in criminal actions.

SECTION 13. In all criminal cases and proceedings the practice and procedure and modes of bringing and conducting prosecutions for offenses, and the powers of the municipal court in relation thereto, shall be the same as those which are now, or may hereafter be, possessed by police courts in municipalities, or justices of the peace.

Section 1579-140. Powers and duties of presiding judge.

SECTION 14. In addition to the exercise of all the other powers of a judge of said court, the presiding judge shall have the general superintendence of the business of the municipal court, and may classify and distribute among the judges the business pending in said court. He shall cause to be rendered a complete annual report to the council or other proper legal authority of the city of Youngstown, covering the preceding year, which report shall show the work performed by the court, a summary of the expenses of the civil and criminal branches of the court respectively, a statement of receipts and expenditures, the number of cases heard, decided and settled by the court and by each judge thereof, the number of decisions of the municipal court reversed or affirmed by a reviewing court, the number of days and hours of attendance of each judge, and

Report.

other data as the council may require. Said report shall be printed by the council for free distribution to the public.

Section 1579-141. Meetings.

SECTION 15. The respective judges of the municipal court may sit, separately or otherwise, as the presiding judge shall direct; shall meet at least once in each month and at such other times as the presiding judge may determine; shall prescribe forms, establish a system for the docketing of causes, actions and demurrers; and designate the mode of keeping and authenticating the records of proceedings had before them.

General powers and duties.

The judges or a judge of the said court may summon and impanel jurors; tax costs; compel the attendance of witnesses, jurors and parties; issue process; preserve order; punish for contempt, and may exercise all powers which are now or may hereafter be conferred upon the court of common pleas or the judges thereof, or upon justice of the peace, or upon police courts of cities or judges thereof, necessary for the exercise of the jurisdiction herein conferred and for the enforcement of the judgments and orders of the said municipal court. Each judge shall at least once a month, make a report, in writing, to the clerk, of the duties performed by him, in such manner and form as the presiding judge may require. Any order made by the presiding judge, under the special powers conferred upon him in this act, may be vacated, amended or modified, by the vote of a majority of the judges of the said municipal court.

Section 1579-142. Right of trial by jury. Number and qualifications of jurors. Verdict.

SECTION 16. All causes in the municipal court shall be tried to the court unless, before the court shall proceed to inquire into the merits of the cause, a jury shall be demanded by either party to the action. In all civil actions, where a jury is demanded, it shall be composed of six lawful men having qualifications of electors, unless the parties agree on a less number, and in any civil action, if not less than three-fourths of the members composing the jury for the trial of the case, shall agree upon a verdict, the same shall be rendered and have the same force and effect as if the verdict had been agreed upon and rendered by the jury unanimously. In all actions and proceedings of which police courts in cities have or may be given jurisdiction, where a jury may be demanded, it shall be composed of twelve men having the qualifications of electors.

Section 1579-143. Taxing costs.

SECTION 17. In all civil actions and proceedings the cost of summoning jurors and the fees of jurors shall be taxed as part of the costs.

Section 1579-144. Summoning and impaneling jury.

SECTION 18. Jurors in the municipal court shall be chosen and summoned in accordance with a rule of the municipal court. They shall be impaneled in the same manner and challenged for the same causes as jurors in the court of common pleas; they shall have the same qualifications and receive the same fees as jurors in the court of common pleas; their fees shall be paid out of the treasury of the city of Youngstown. It shall be the duty of the

trial judge of the municipal court to cause to be interrogated all jurors summoned for service in the municipal court, and to cause to be inquired into the qualifications of said jurors and to reject from service as jurors all persons who do not appear to possess the qualifications required by law.

Section 1579-145. SECTION 19. In all causes the municipal court shall have the same authority to set aside a verdict or a judgment, as is now, or may hereafter be conferred on courts of common pleas. Authority to set aside verdict.

Section 1579-146. SECTION 20. The calendar of the municipal court shall be divided into four terms of three months each, beginning respectively on the first day of January, April, July, and October of each year. The presiding judge of the municipal court may continue the session of the term of said court beyond the term fixed for the commencement of the next term, when such continuance is necessary to finish the trial of a cause or to receive the verdict, or pronounce judgment in any cause, the trial of which has been commenced during the term. Calendar.

Section 1579-147. SECTION 21. All lands and tenements, including vested interests therein, and permanent leasehold estates renewable forever, located within the city of Youngstown or Youngstown township, shall be bound for the satisfaction of any judgment rendered in the municipal court from the first day of the term at which judgment is rendered; but judgment by confession, and judgment rendered at the same term at which the action is commenced shall bind such lands, tenements, vested interests and permanent leaseholds only from the day on which judgments are rendered. Effect of judgments.

Section 1579-148. SECTION 22. The party in whose favor a judgment is rendered by the municipal court may file a transcript of such judgment in the office of the clerk of the court of common pleas of Mahoning county, in the same manner and under the same conditions, as are now or may hereafter be, provided by law for the filing of transcripts of judgments rendered by justices of the peace; all provisions relating to transcripts of judgments and liens of judgments rendered by justices of the peace, shall, in so far as applicable, be applied to transcripts of judgments and liens of judgments rendered by the municipal court. Transcripts.

Section 1579-149. SECTION 23. The lien of a judgment of the municipal court may be enforced in the court of common pleas in the same manner as the lien of a judgment rendered by the court of common pleas. Execution may be issued on such judgment at any time after a transcript thereof has been filed, as if the judgment had been rendered by the court of common pleas; but all liens shall remain as provided in this act. Enforcement of judgments.

Section 1579-150. SECTION 24. The records of the municipal court may be proved by the production of the original records, or by a transcript thereof certified by the clerk of said court under its seal. Proof of records.

Section 1579-151. SECTION 25. The clerk of the municipal court shall make and maintain an alphabetical index of the names of Index.

all plaintiffs and defendants to suits filed in said court, in the same manner and form as used in the court of common pleas, in so far as the same may be suitable for the purpose in the municipal court.

Section 1579-152. Notice of pending action.

SECTION 26. When the summons has been served or first publication made, the action in the municipal court is pending so as to charge third persons with notice of its pendency. While pending, no interest can be acquired by third persons in the subject of the action as against the plaintiff's title.

Section 1579-153. Proceedings in error.

SECTION 27. Proceedings in error may be taken to the court of common pleas of Mahoning county from a final judgment or order of the municipal court in the same manner and under the same conditions as provided by law for proceedings in error from the court of common pleas to the court of appeals.

In such case the clerk and the bailiff of the municipal court shall turn over any moneys or property held by them in the action to the clerk and sheriff respectively of Mahoning county, to be by them held as in like cases originating in the court of common pleas.

Section 1579-154. Appeals.

SECTION 28. If either the plaintiff or the defendant, in the statement of his claim, claim more than one hundred dollars, the cause may be appealed to the court of common pleas of Mahoning county; but if neither party demand a greater sum than one hundred dollars, there shall be no appeal. In all cases not specially provided by law, either party may appeal from a final judgment of the municipal court to the court of common pleas of Mahoning county. Appeals in the following cases shall not be allowed.

1. On judgments rendered on confession of the party or parties.

2. In trials where neither party claims in his statement of claim a sum exceeding one hundred dollars.

3. In an action for the forcible entry and detention or forcible detention of real property.

4. In trials for the right of property under the statutes, either levied upon by execution or attached.

Section 1579-155. Costs in cases appealed.

SECTION 29. If any person appealing from a judgment in his favor, rendered by the municipal court, shall not recover a greater sum than the amount for which judgment was rendered, besides costs and the interest accruing thereon, every such appellant shall pay the costs of such appeal.

Section 1579-156. Appeal bond.

SECTION 30. The party appealing must, within ten days from the rendition of the judgment, enter into an undertaking to the adverse party, with at least one good and sufficient surety, a freeholder ownig real property situated in the city or township of Youngstown, or a corporation authorized to execute surety bonds in this state, to be approved by the trial judge, in a sum not less than two hundred dollars in any case, nor less than double the amount of the judgment and costs to the appellee. The appeal undertaking must be conditioned:

1. That the appellant will prosecute his appeal to effect, and without delay.

2. That if judgment be adjudged against him on appeal, he will satisfy the judgment and costs.

3. That if for any reason the appeal is not heard and determined in the appellant court, he will satisfy the judgment and costs in the municipal court.

Section 1579-157. SECTION 31. The clerk of the municipal court must make out a certified transcript of the proceeding, including a transcript of the undertaking taken from such appeal, and, on demand, after being paid the legal fee therefor, must deliver the same to the appellant, or his agent, who delivers the same to the clerk of the court of common pleas of Mahoning county, on or before the 30th day from the rendition of the judgment appealed from; and the clerk of the municipal court must also deliver or transmit the statement or statements of claim or claims, the depositions, and all other original papers, if any, used on the trial in the municipal court, to such clerk on or before the 30th day from the judgment; and all further proceedings in the municipal court, in that case, ceases, and is stayed, from the time of entering into the undertaking. In such case the clerk and the bailiff of the municipal court shall turn over any moneys or property held by them in the action to the clerk and sheriff respectively of Mahoning county, to be by them held in like cases originating in the court of common pleas.

Transcript in cases of appeal.

Section 1579-158. SECTION 32. If for any reason the cause is not heard and determined by the appellant court, or if the appeal is dismissed by the appellant court, or judgment is entered against the appellant, the surety in the appeal undertaking is liable to the appellee for the whole amount of the debt, costs, and damages recovered against the appellant.

Proceedings when cause not heard or appeal dismissed.

Section 1579-159. SECTION 33. No assignment of error in a reviewing court shall be allowed in any action which shall call in question the decision of the municipal court in reference to any matter pertaining to the practice in said court; provided, however, that the reviewing court may grant relief from any error of the municipal court in respect to a matter of practice therein in any case, when in the opinion of the reviewing court such relief is necessary to prevent a failure of justice.

Error pertaining to matter of practice.

Section 1579-160. SECTION 34. The law governing the court of common pleas as to security for costs, motions for new trials, vacation or modification of judgment before and after terms, the referring of matters to a referee, the issuing of execution and orders for stay of execution, and the taking of depositions, shall be held to apply, so far as applicable, to the municipal court. Provided, that a person or persons against whom the judgment has been rendered in the municipal court may stay execution therein by entering into a bond to the adverse party within ten days after the rendition of such judgment with sufficient surety, a freeholder owning real property situated in the city or township of

Law governing courts of common pleas, applicable.

Stay of execution.

Youngstown or a corporation authorized to execute surety bonds in this state, approved by a judge of the municipal court, and conditioned for the payment of the amount of such judgment, interests, costs and costs that accrue. Such bonds shall be entered on the docket of the clerk of the municipal court and shall be signed by such surety. Said undertaking shall be a lien on the real property of said freeholder situated in the city or township of Youngstown until the judgment and all costs in the case upon which the stay has been granted are satisfied.

The stay of execution hereby authorized shall be graduated as follows:

First: On a judgment for $50.00 and under, for one hundred and fifty days.

Second: On a judgment exceeding $50.00, for one hundred and eighty days.

Section 1579-161.

Selection of presiding judge, clerk, etc.

SECTION 35. On the fourth Monday of November, 1913, and biennially thereafter, at one o'clock in the afternoon of said day, the respective judges of the said municipal court shall meet and select. First, one of their number as presiding judge. Second, a clerk, a chief deputy clerk, a bailiff, and a chief deputy bailiff of said municipal court, each respectively for a term of two years and each of whom shall be electors for such judges of the said municipal court, who shall serve until their successor is appointed and qualified respectively. The manner and form of procedure of selecting said officers shall be determined by the said respective judges of said municipal court, and the manner and form of procedure may be modified from time to time as in the opinion of said respective judges may be desirable.

Powers and duties of officers.

The said officers, and any of all additional deputies of said officers hereinafter provided for in this act, shall perform such duties and have such powers as hereinafter provided for in this act, and as now, or may hereafter be, provided by law of similar officers in the court of common pleas, in so far as the same may be applicable, and as now, or may hereafter be, provided by law for police courts and justices of the peace. Additional deputies to the clerk and bailiff shall be designated as hereinafter provided for in this act. All appointive officers of the municipal court, excepting the clerk and bailiff, shall be in the classified civil service of the city of Youngstown, subject to the provisions of law and of any charter which may be hereafter adopted by said city, applying to and applicable to said civil service.

Civil service.

Section 1579-162.

Powers and duties of clerk.

SECTION 36. The clerk of the municipal court shall have general powers to administer oaths, and take affidavits, and to issue executions upon any judgment rendered in the municipal court or rendered by any justice of the peace in and for the township of Youngstown prior to the first day of January, 1914, including a judgment for unpaid costs; he shall have power to issue and sign all writs, process and papers issuing out of the municipal court, and to attach

the seal of the said court thereto; shall have power to approve all bonds, recognizances and undertakings fixed by any judge of the municipal court or by law not otherwise provided for in this act; shall file and safely keep all journals, records, books and papers belonging or appertaining to the municipal court, record its proceedings and perform all other duties which a judge or the judges of the municipal court shall prescribe. He shall pay over to the parties all moneys received by him as clerk; he shall receive and collect all costs, fines and penalties, and shall pay the same monthly to the treasurer of the city of Youngstown and take his receipt therefor, but money deposited as security for costs shall be retained by him pending the litigation; he shall keep books showing all receipts and disbursements in civil and criminal cases separately which shall be open for public inspection at all times; and shall on the first Monday of each term of the municipal court make to the auditor of the city of Youngstown a report of all receipts and disbursements, in civil and criminal cases separately for the preceding term. He shall, on and after the first day of January, 1914, supersede and succeed to, and shall have all the powers and perform all the duties of the clerk of the criminal court of the city of Youngstown and of clerks of the justices of the peace of Youngstown township.

Section 1579-163. SECTION 37. All money deposited as security for costs, paid into the municipal court, shall be noted on the record of the cause in which they are paid and shall be deposited by the clerk in such banking institution as shall be designated by the judges of the municipal court, there to abide the order of the court. On the first Monday of January, 1914, and annually thereafter the clerk shall make a list of the titles of all causes in the municipal court or in the court of the justices of the peace in and for Youngstown township which were finally determined more than one year past, in which there remains unclaimed in the possession of the clerks of any such funds, or any part of the deposit for security for costs not consumed by the costs in the case. The clerk shall give notice of the same to the parties entitled to said moneys, or their attorneys of record. All such moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the treasurer of the city of Youngstown, provided, however, that any part of said moneys shall be paid to the person or persons having the right thereto upon proper certificate of the clerk of the municipal court.

Deposit of moneys.

Unclaimed costs.

Section 1579-164. SECTION 38. Before entering upon the duties of his office the clerk of the municipal court shall make and file in the office of the clerk of the city of Youngstown a bond in the amount not less than five thousand dollars, to be determined by the judges of the municipal court, with two or more sufficient sureties freeholders of the city or township of Youngstown, or a corporation authorized to execute bonds in this state, to be approved by the judges of the

Bond.

municipal court, conditioned upon the faithful performance of his duties as such clerk.

The chief deputy clerk shall in like manner give a bond in the amount of not less than two thousand five hundred dollars.

The said bonds of the clerk and the chief deputy clerk shall be given for the benefit of the city of Youngstown and for the benefit of any person or persons who may suffer loss by reason of a default in any of the conditions of said bonds.

Section 1579-165. Compensation of clerk.

SECTION 39. The clerk shall receive such compensation payable out of the treasury of Mahoning county, not less than three hundred and fifty dollars, per annum, as the county commissioners may prescribe, and such compensation payable out of the treasury of Youngstown township, not less than two hundred and fifty dollars, per annum, as the township trustees may prescribe, and such further compensation, not less than one thousand two hundred dollars, per annum, payable in monthly installments out of the treasury of the city of Youngstown, as the council or other legislative authority may prescribe.

Section 1579-166.

SECTION 40. The chief deputy clerk shall receive such compensation payable out of the treasury of the city of Youngstown, not less than one thousand two hundred dollars, per annum, in monthly installments, as the council or other proper legal authority may prescribe.

Compensation of chief deputy and others.

The other deputy clerks shall receive such compensation, not less than six hundred dollars per annum, payable out of the treasury of the city of Youngstown in monthly installments, as the council or other legislative authority may prescribe.

If desired by the judges or a judge of the municipal court, the clerk shall designate one deputy to each room, who shall perform such duties as may be required by the court or the judges thereof.

Bond of deputies.

The clerk of the municipal court may require any of the deputy clerks to give bond in the sum of not less than one thousand dollars, to be approved by, and the terms whereof shall be subject to the approval of the judges of said court. The sureties on said bonds shall be of the same character as required for the clerk and shall be likewise filed.

Section 1579-167. Bailiffs; duties, compensation and bond.

SECTION 41. The bailiff and chief deputy bailiff shall perform for the municipal court service similar to those usually performed by the sheriff for courts of common pleas and by constables for courts of justices of the peace. The bailiff shall receive such compensation not less than three hundred and fifty dollars, per annum, payable out of the treasury of Mahoning county, as the county commissioners may prescribe, and such compensation payable out of the treasury of Youngstown township, not less than two hundred and fifty dollars, per annum, as the township trustees may prescribe, and such further compensation, not less than one thousand two hundred dollars, per annum, payable in

monthly installments out of the treasury of the city of Youngstown, as the council or other legislative authority may prescribe, and the chief deputy bailiff shall receive such compensation not less than one thousand two hundred dollars, per annum, and all other deputy bailiffs, except regular police officers of the city of Youngstown, shall receive such compensation not less than seven hundred and twenty dollars, per annum, payable out of the treasury of the city of Youngstown in monthly installments, as the council or other legislative authority may prescribe. Before entering upon their duties, the bailiff, and the chief deputy bailiff shall make and file in the office of the clerk of the city of Youngstown, bonds, said bailiff in the amount of not less than two thousand five hundred dollars, and said chief deputy bailiff in the amount of not less than two thousand dollars, to be determined by the judges of the municipal court, with two or more sureties freeholders in the city or township of Youngstown, or a corporation authorized to execute surety bonds in this state, to be approved by the judges of said court. The terms of said bonds shall be subject to the approval of the judges of said court. The said bonds shall be given for the benefit of the city of Youngstown and of any person or persons who shall suffer loss by reason of default in any of the conditions of said bonds. The bailiff may require any of the deputy bailiffs to give bonds in the amount of not less than one thousand dollars, the terms whereof shall be subject to the approval of said judges, and shall be likewise filed.

Section 1579-168. SECTION 42. On or before the first day of January, 1914, and, from time to time thereafter the judges of the municipal court shall select such number of deputy clerks, or deputy bailiffs as they may deem necessary to transact the business of the municipal court, who shall serve for such time or term as the judges of said court shall determine.

Selection of clerks and bailiffs.

Section 1579-169. SECTION 43. The council or other legislative authority of the city of Youngstown, shall provide a suitable court room and a private room for each judge of the municipal court; and sufficient jury rooms; and separate office for the clerk and bailiff respectively of said court, all of which accommodations aforesaid shall, as far as possible be contiguous to each other, also furnish a complete set of the reports of the supreme and inferior courts of Ohio, and such other authorities as are deemed necessary, and shall provide each municipal court room with the latest edition of the General Code of Ohio, and all necessary dockets, books of record and all supplies including telephones, stationery, furniture, heat and light, janitor service, and a seal as hereinafter specified.

Accommodations for court.

Section 1579-170. SECTION 44. Excepting as otherwise provided for in this act, in actions wherein the said municipal court supersedes the court of a justice of the peace or has jurisdiction concurrent with a court of a justice of the peace the fees and costs shall be the same and taxed in the same manner, as is now, or may hereafter be, provided by law for actions

Costs, how taxed.

heard and determined in a court of a justice of the peace. In other actions the fees and costs shall be the same, and taxed in the same manner, as is now, or may hereafter be, provided by law for actions heard and determined in a court of common pleas. In criminal cases all fees and costs shall be the same as now, or may hereafter be, fixed and provided by law for police courts in cities. The judges of the municipal court may by rule of said court provide in all cases not covered by this act a standard of fees and costs.

Section 1579-171. Seal.

SECTION 45. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the state and shall be one and three-fourths inches in diameter and shall be surrounded by these words:

"The Municipal Court of Youngstown, Ohio."

And shall have no other words or device engraved thereon.

Section 1579-172. Solicitor and assistants.

SECTION 46. The solicitor of the city of Youngstown shall also be prosecuting attorney of the municipal court, and shall prosecute all cases of a criminal nature brought before such court, and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county. He may designate such number of assistant prosecutors as now, or may hereafter be, provided by ordinance of the city of Youngstown, and such prosecutor or assistant prosecutors shall receive for their services in city cases, such salaries as the council or other legislative authority may prescribe, and the county commissioners shall allow such further compensation as they may deem proper, which shall be paid out of the treasury of Mahoning county.

Section 1579-173. Interpreters and probation officers.

SECTION 47. The council or other legislative authority of the city of Youngstown, may by ordinance or otherwise provide for the appointment of one or more interpreters, and one or more persons to be known as probation officers. Probation officers shall have all the powers of regular police officers and shall devote their time to the interests of persons placed upon probation, upon the order of the municipal court, or a judge thereof, they shall investigate the circumstances of any case that may come before the municipal court.

Every police officer of the city of Youngstown shall be ex-officio bailiff of the municipal court and shall perform from time to time such duties in respect to causes within the jurisdiction of said court as may be required of them by said court or any judge thereof.

Appointment.

Probation officers and interpreters shall be appointed by the judges of the municipal court, and shall serve at their pleasure. They shall receive such compensation as the council or other legislative authority of the city of Youngstown by ordinance or otherwise may prescribe. If a member of the police department is appointed probation officer, he shall have the privilege of returning at any time to the active service in the department and to the same

rank and standing as he held at the time of appointment as probation officer.

Vacancy in office of judge.

Section 1579-174. SECTION 48. Whenever there shall be a vacancy in the office of any of the judges of the municipal court created by this act, the same shall be filled by appointment by the governor, until a successor is elected and qualified. Every such vacancy shall be filled by election at the first municipal and township election taking place more than thirty days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term.

Vacancy in office of clerk or bailiff.

Section 1579-175. SECTION 49. A vacancy in the office of clerk, chief deputy clerk, bailiff, or chief deputy bailiff shall be filled by the judges of the municipal court for the unexpired term. Said judges shall have full power and authority to dismiss or discharge the clerk, chief deputy clerk, bailiff, chief deputy bailiff, or any appointee or officer other than a judge, provided for in this act, for any cause, and appoint a successor, and their decision shall be final.

Section 1579-176. SECTION 50. For the purpose of providing the necessary funds to pay the salaries, as stipulated in this act, and other expenses of the municipal court, the council or other legislative authority of the city of Youngstown and the trustees of Youngstown township are hereby authorized and required to levy annually as may be necessary not to exceed one quarter of a mill on the dollar on all taxable property of said city of Youngstown, including said township of Youngstown, and when collected as other taxes shall be paid over to the treasurer of the city of Youngstown and by him credited to the municipal court fund.

Levy to pay salaries and expenses.

Fees collected shall be transferred to municipal court fund.

All fees collected, prior to the first day of January, 1914, by justices of the peace in said township, or the treasurer of said township and paid into the treasury of said township and credited to the justice of the peace fund, and remaining unexpended on said first day of January, 1914, shall be paid to the treasurer of the city of Youngstown and by him credited to the municipal court fund.

All fees collected prior to the first day of January, 1914, by the judge or clerk of the criminal court of the city of Youngstown, and paid into the treasury of said city, and credited to the criminal court fund and remaining unexpended on said first day of January, 1914, shall be transferred by the treasurer of said city to the municipal court fund.

If the unexpended fees in said funds aforesaid respectively, and the fees collected by the municipal court and paid into the treasury of the city of Youngstown, which shall be credited to the municipal court fund, are not sufficient to pay the salaries, and other expenses, as provided in this act, until such time as levy and assessment can be made and paid into said municipal court fund, said salaries and other expenses may be paid out of the general funds of said city and township respectively, or said council and trustees may borrow a sufficient amount of money and place the same to the credit of said municipal court fund, to pay

Authority to borrow money.

said salaries and meet such expenses until said levy and assessment has been made, and the money has been paid into said municipal court fund; at which time said money borrowed or money taken from said general fund is to be returned.

Section 1579-177. Police court superseded.

SECTION 51. The said municipal court shall supersede all the powers, duties and rights as, now, or may hereafter be, provided by law as successors of the criminal or police court in and for the city of Youngstown and of justices of the peace in and for Youngstown township; shall have jurisdiction in any cause or causes pending in said courts to hear and determine the same, the same as if the action or proceeding had originally been commenced in the said municipal court; and for this purpose, shall have full and complete control of all the files, records and dockets of said courts to do and perform any and all matters which may be required by law therein or in reference thereto. This section shall not go into effect until the first day of January, 1914.

Section 1579-178.

SECTION 52. If or whenever the city limits of the city of Youngstown shall be extended so as to be co-extensive with the limits of Youngstown township, the several amounts specified in this act, to be paid out of the treasury of Youngstown township, as the trustees may prescribe, as a part or portion of the compensation of the respective judges and other officers of the municipal court shall be paid out of the treasury of the city of Youngstown in monthly installments, as the council or other legislative authority may prescribe.

Section 1579-179. Majority constitutes authority.

SECTION 53. Whenever under the provisions of this act, authority is vested in all the judges constituting said court, such authority shall be exercised in accordance with a majority vote of said judges.

Section 1579-180. Laws applicable.

SECTION 54. In addition to the provisions of this act, any and all laws, now, or which may hereafter be provided for the governing of the powers, duties, obligations and functions and procedure of courts of record or inferior courts, and the conferring of jurisdiction on courts of record or inferior courts, shall apply to the municipal court, and the respective judges and officers thereof, in the exercise of all powers, duties, obligations, functions and jurisdiction and procedure in so far as the same may be applicable to said municipal court.

Section 1579-181. Who may appear as counsel.

SECTION 55. No person or persons, except those admitted to the practice of law shall appear as counsel to plead or defend for litigants in the municipal court. Any person or persons who are parties to any cause may appear in their own behalf to plead and defend their own cause.

Section 1579-182. Offices of justice, clerk and constable abolished.

SECTION 56. The office of justice and justices of the peace in and for Youngstown township, Mahoning county, Ohio, and of clerk and clerks and of constable and constables thereof; and the criminal court and police court and

mayor's court and of clerk and clerks thereof of the city of Youngstown, Ohio, are hereby abolished.

Repeals.

The acts passed April 25th, 1898 (93 v. 711-712), April 3rd, 1900 (94 v. 509-510), May 2nd, 1902 (95 v. 857-858), and sections 1800, 1801, 1802, 1803, 1804, 1805 and 1806 of the General Code of Ohio; and all acts and parts of acts relating to and governing of justices of the peace in and for Youngstown township, Mahoning county, Ohio; and the acts passed April 23rd, 1904 (97 v. 623-624), March 28, 1906 (98 v. 390), and the second section designated Sec. 1. March 9th, 1909 (100 v. 69), and sections 14707, 14721, 14722, 14723, 74724, 14725, 14726, 14727, 14728, 14729, 14730 and 14731 of the General Code of Ohio, and all acts and parts of acts providing for the establishment of a criminal court and for a judge and a clerk or clerks thereof for the city of Youngstown, Ohio, be and the same are hereby repealed, but this section of the act shall not take effect until the first day of January, 1914.

The sectional numbers of the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 15th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
153 L.

[House Bill No. 290.]

AN ACT

To create a lien in favor of contractors, sub-contractors, laborers and material men, and to repeal sections 8308, 8310, 8311, 8312, 8313, 8314, 8315, 8316, 8317, 8318, 8319, 8320, 8321, 8322, 8323, 8330, 8333, 8334 8335, 8336, 8337, and 8338 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 8310. SECTION 1. Every person who does work or labor upon, or furnishs machinery, material, or fuel, for constructing, altering, or repairing a boat, vessel or other water craft, or for erecting, altering, repairing, or removing a house, mill, manufactory, or any furnace, or furnace material therein, or other building, appurtenance, fixture, bridge or other structure, or for digging, drilling, boring, operating, completing, or repairing of any gas well, oil well, or other well, or for altering, repairing or constructing any oil derrick, oil tank, oil or gas pipe line, or furnishes tile for the drainage of any lot or land by virtue of a contract, express or implied, with the owner, part owner, or lessee, of any interest in real estate, or the authorized agent of the owner, part owner, or lessee, of any interest in real estate, and

every person who shall as subcontractor, laborer, or material man, perform any labor, or furnish machinery, materials, or fuel, to each original or principal contractor, or any subcontractor in carrying forward, performing, or completing any such contract, shall have a lien to secure the payment thereof upon such boat, vessel, or other water craft ,or upon such house, mill, manufactory, furnace, or other building or appurtenance, fixture, bridge, or other structure, or upon such gas well, oil well, or other well, or upon such oil derrick, oil tank, oil or gas pipe line, and upon the machinery or material so furnished, and upon the interest, leasehold, or otherwise, of the owner, part owner, or lessee, in the lot or land upon which they may stand, or to which they may be removed, to the extent of the right, title and interest of the owner, part owner, or lessee, at the time the work was commenced or materials were begun to be furnished by the contractor, under the original contract, and also to the extent of any subsequent acquired interest of any such owner, part owner, or lessee.

Lien upon water craft, buildings, bridges, etc.

Section 8311. SECTION 2. Any person who performs labor or furnishes machinery, material or fuel for the construction, alteration or repair of any street, turnpike, road, sidewalk, way, drain, ditch or sewer by virtue of a private contract between him and the owner, part owner or lessee of lands upon which the same may be constructed, altered or repaired, or of lands abutting thereon, or any person who shall as subcontractor, laborer or material man, perform labor or furnish machinery, material or fuel to such original or principal contractor or to any subcontractor in carrying forward or completing such contract, shall have a lien for the payment thereof against the lands of such owner, part owner or lessee, upon which said street or other improvement above mentioned is constructed or upon which any such above mentioned improvement abuts, as provided in section 1, hereof.

Lien upon street, road, sidewalk, ditch, etc.

Section 8312. SECTION 3. The original contractor shall, whenever any payment of money shall become due from the owner, part owner, or lessee, or whenever he desires to draw any money from the owner, part owner, or lessee, under such contract or upon the written demand of any mortgagee, make out and give to the owner, part owner, lessee, or mortgagee or his agent, a statement under oath showing the name of every subcontractor or laborer in his employ, and of every person furnishing machinery, material, or fuel, giving the amount, if any, which is due, or to become due, to them, or any of them, for work done or machinery, material or fuel furnished to him, which statement shall be accompanied by a certificate signed by every person furnishing machinery, material or fuel to him in substantially the following form:

Statement of original contractor to owner, before payment.

The undersigned certifies that to date hereof, commencing on the ..... day of ....., he has furnished machinery, material, or fuel, as the case may be, to ....., for constructing (altering, erecting, improv-

ing, repairing, removing, digging or drilling, as the case may be), a certain ....., situated on or around, or in front of the following described property: ..... and there is now due or owing to the undersigned the amount shown on the statement herein, (or the undersigned has been paid in full therefor, as the case may be), ...

Statement of sub-contractor and right of owner to retain amount to pay demands.

And the original contractor shall also deliver to such owner, part owner, lessee or mortgagee, similar sworn statements from each subcontractor accompanied by like certificates from every person furnishing machinery, material, or fuel to such subcontractor. The owner, part owner, or lessee, or his agent, may retain out of any money then due, or to become due to the principal contractor an amount sufficient to pay all demands that are due or to become due to such subcontractors, laborers and material men, as shown by the contractor's and subcontractor's statements, for work done, or machinery, material, or fuel furnished, and pay said money to them according to their respective rights, and all payments so made shall as between such owner, part owner, lessee, or mortgagee and such contractor, and as between such subcontractors and persons performing labor or furnishing machinery, material, or fuel, be considered the same as if paid to such original contractor. Until the statements provided for in this section are made and furnished in the manner and form as herein provided, the contractor shall have no right of action or lien against the owner, part owner, or lessee on account of such contract, and the subcontractor shall have no right of action or lien against the owner, part owner, lessee or contractor until he shall have furnished such statements, and any payments made by the owner, part owner, or lessee before such statements are made, or without retaining sufficient money, if that amount be due or it is to become due, to pay the subcontractor, laborers, or material men, as shown by the statements, shall be considered illegal and made in violation of the rights of the persons intended to be benefited by this act, and the rights of such subcontractors, laborers, and material men to a lien, shall not be affected thereby. If neither such owner, part owner or lessee nor his agent can be found within the county, then it shall not be necessary for the contractor or subcontractor to make out and deliver such statements, as a prerequisite to the institution of proceedings under this act or other suit or proceeding.

No right of action against owner or lien until statement furnished.

Liability of contractor to owner on failure to furnish statements.

In order that the owner, part owner, lessee, mortgagee or contractor may be protected, he or his agent may at any time during the progress of the work demand in writing of the contractor or any subcontractor any or all statements herein provided for, which shall be made by the contractor or subcontractor and given to the owner, part owner, lesse, mortgagee, contractor or his agent, and if such contractor or subcontractor fails to furnish such statements within ten days after demand is made, he shall be liable to such owner, part owner, lessee, mortgagee, or contractor

making such demand, each time he so refuses or neglects to comply with such demand, in the sum of $100.00, and also for all actual damages occasioned by such neglect or refusal.

Section 8313.

SECTION 4. Any person, firm or corporation furnishing machinery, material or fuel or performing labor of any kind, as aforesaid, may within 30 days after furnishing the first of such machinery, material or fuel or performing the first of such labor to any contractor or subcontractor, serve on the owner, part owner or lessee of the premises, or his agent a notice in writing, which notice shall be such as will inform the owner, part owner or lessee of the premises or his agent, of the nature of the machinery, material, or fuel furnished or labor performed or to be performed, and a description of the premises where furnished, if such owner, part owner or lessee resides in, or has a known agent in the county in charge of such boat, vessel or other water craft, or such house, mill, manufactory, furnace, building, appurtenance, fixture, bridge, structure, well, derrick, tank or pipe line, or other construction or improvement described in sections 1 and 2 hereof.

Notice to owner of labor, machinery or material furnished.

Such notice may be in the following form:

To ....., take notice, that the undersigned is furnishing, commencing on the ..... day of ..... (or about to furnish) to ..... certain labor or material for constructing, altering, erecting, improving, repairing, removing, digging or drilling, as the case may be, a certain ....., situated on or around or in front of the following described property:

.....

.....

and there is now owing, or will become owing to the undersigned on account thereof, the sum of ..... dollars:

.....

Such notice, however, shall be sufficient if served at any time subsequent to said thirty days, but before the original contractor shall make out and give to the owner, part owner or lessee or his agent, a statement under oath showing the names of every subcontractor or laborer in his employ, and of every person, firm, or corporation furnishing machinery, material or fuel with a certificate stating the amount, if any, which is due or to become due to them or any of them for work done or machinery, materials or fuel furnished together with similar statements from all subcontractors with like certificates thereto, as required by section three hereof.

It shall be the duty of any person, firm or corporation furnishing machinery, material or fuel or performing labor of any kind, as aforesaid, to give a duplicate copy of the aforesaid notice to any mortgagee when requested in writing. The owner, part owner or lessee shall retain from any money due or to become due to the original contractor, an amount sufficient to pay all demands owing or unpaid to any subcontractor, material man or laborer, who has filed

and served the notice aforesaid. The owner, part owner or lessee shall not be liable to the subcontractor, material men or laborers for any greater amount than he contracted to pay the original contractor, and shall be entitled to set off any damages which he may sustain by reason of any failure or omission in the performance of such contract, but the risk of all payments made to the original contractor after the owner, part owner, lessee or his authorized agent shall have received the notice above mentioned, or before the contractor shall have furnished him with a statement, as hereinbefore provided, shall be upon the owner, part owner or lessee until the expiration of sixty days, within which claims for liens may be filed, as hereinafter provided, and no payment made to any contractor before the expiration of said sixty days shall defeat any lien of any subcontractor, material man or laborer, unless such payment has been distributed among the subcontractors, material men or laborers, or if distributed in part only, then to the extent of such distributions; but where the original contractor shall have furnished the statements and certificates as provided in section three hereof, the owner, part owner or lessee, may pay to such contractor out of the sum due and payable to him under his contract at the time said statements and certificates are furnished, any amount in excess of the claims and demands due from said original contractor to subcontractors, material men and laborers as shown on said statements and certificates, or as shown by notices served on such owner, part owner or lessee by subcontractors, material men and laborers as provided herein.

Rights of owner, contractors, material men and laborers.

Section 8314. SECTION 5. Every person or his agent or attorney, whether contractor, subcontractor, material man or laborer, who wishes to avail himself of the provisions of this statute, shall make and file in the office of the recorder in the county or counties in which said labor was performed, or machinery, material or fuel furnished, an affidavit containing a statement showing the amount due over and above all legal offsets, a description of the property to be charged with the lien, the name of the person for whom such machinery, materials or fuel were furnished and labor performed and of the owner, part owner or lessee, if known. Such affidavit shall be filed within sixty days from the date on which the last of the machinery, materials or fuel shall have been furnished at the building or the last of the labor shall have been performed by the person claiming the lien, which affidavit may be in the following form:

Affidavit of contractor, etc., filed in the office of the county recorder.

State of Ohio,
County of ....., ss:

A. B. of ....., being first duly sworn, says that he furnished certain labor (machinery, material or fuel), in and for constructing, (altering, erecting, improving, repairing, removing, digging or drilling, as the case may be), a certain ....., situated on the land hereinafter described, in pursuance of a certain con-

tract with C. D. the owner, (part owner or lessee, contractor, subcontractor or other person, as the case may be). The last of such labor was performed (or such machinery, material or fuel furnished, or both) on the ..... day of ....., 19...., and there is justly and truly due deponent therefor from the said C. D. over and above all legal setoffs, to the sum of ..... dollars, for which amount deponent claims a lien on said land (or building or leasehold) of which ..... is or was the owner, (or part owner or lessee, as the case may be), which premises are described as follows: .....

.....

A. B.

Sworn to and subscribed before me this ..... day of ....., 19....

.....

.....

The county recorder shall endorse upon every such affidavit the date and hour of its filing, and record the same in a separate book to be kept therefor. There shall be no homestead of other exemptions against any lien under the provisions of this chapter.

Section 8315. Copy of affidavit served on owner, etc.

SECTION 6. Every person filing such affidavit, as provided in the preceding section, shall within thirty days after the filing thereof serve on the owner, part owner or lessee of such premises or his agent, a copy thereof, but if neither of such persons can be found within the county where such premises are situated, then such copy shall be served by posting the same in some conspicuous place on said premises within ten days after the expiration of said thirty days.

Section 8316. Lien when improvement situated on adjacent lots or parcels of land.

SECTION 7. Where the construction, excavation or improvement consists of two or more buildings united together, situated on the same lot or contiguous or adjacent lots, or of separate buildings upon contiguous or adjacent lots, or where machinery, material, fuel, or labor has been furnished for improvements or structures which are located on separate tracts or parcels of land but operated as an entire plant or concern, and erected under one general contract, the lien for the labor, machinery, material or fuel so furnished, shall attach to all such constructions, excavations or improvements, together with the land upon, around or in front of which such labor, machinery, materials and fuel are furnished, the same as hereinbefore provided in case of a single construction, excavation or improvement, and it shall not be necessary to file a separate lien for each construction, excavation or improvement.

Section 8317. Lien when contracting person has no title to land improved.

SECTION 8. Any person furnishing labor, machinery, material or fuel for the erection of a new building or structure upon land to which the person contracting for such erection has no legal title or to which the title shall be defective, shall have a lien therefor upon such building or structure, and the forfeiture or surrender of any title or claim of title, or equitable interest by such contracting

person to such land shall not defeat the lien upon such building or structure of such person furnishing labor or material, as aforesaid. In case the property covered by a lien is held by the vendee in a land contract, or by a lessee, and he surrenders or forfeits his rights thereunder, the person or persons holding such liens may be subrogated to the rights of such vendee or lessee, as his rights existed immediately before such surrender or forfeiture, by performing the covenants contained in such contract or lease within thirty days after he shall have actual notice of such forfeiture. Any lien claimant may pay off any prior recorded lien, incumbrance or mortgage, and shall thereupon be subrogated to all the rights of the prior holder of such lien, incumbrance or mortgage.

Section 8318. When husband construed authorized agent of wife who is owner.

SECTION 9. When a married woman is owner of any boat, vessel or other water craft, or the owner of the land on which any house, mill, manufactory or other building, appurtenance, fixture, bridge or other structure, or any gas well, oil well or other well, oil derrick, oil tank, oil or gas pipe line is constructed, erected, altered or repaired, or to which it is removed, as mentioned in section one hereof, or is the owner of the lands on which any such street, turnpike, road, sidewalk, way, drain, ditch or sewer is constructed, altered or repaired, or of lands abutting thereon, as mentioned in section two hereof, and has knowledge of any such construction, erection, alteration, repair or removal, as mentioned in said sections one and two, this being done under a contract with the husband of such woman and without her express objection, he shall be held to be the duly authorized agent of his wife therein.

Section 8319. Lien under this act void, when.

SECTION 10. The owner of any property upon which a lien has been taken may notify the person then owning said lien or his agent or attorney, to commence suit thereon. If the owner of such liens fails to commence suit within sixty days after receiving such notice, the lien shall be null and void. But nothing herein shall prevent the claim being collected by law as other claims.

Section 8320. Forfeiture of lien on failure to furnish written statement.

SECTION 11. Each person claiming a lien as aforesaid, shall from time to time, whenever required by such owner, part owner, lessee, mortgagee, or contractor or his agent, and within ten days from demand thereof furnish such person demanding the same a written statement of the amount of work and materials furnished to date of statement and then unpaid, as nearly as can then be ascertained under penalty of a forfeiture of his lien, and such owner, part owner or lessee, shall within five days after demand of any person claiming a lien as aforesaid, or of any mortgagee, produce the contract existing between himself and the contractors, if in writing, the notices filed with him by laborers, subcontractors or material men, as provided in section four hereof, the verified statements of the principal contractor and the subcontractor given to him by the prin-

cipal contractor, as provided in section three hereof, and freely permit such lien claimant to make copies thereof, and shall also within five days after demand thereof furnish such lien claimant a written statement of the amount due and unpaid on such contract. If such owner, part owner or lessee shall neglect or refuse to allow any lien claimant or mortgagee to make said copies or shall neglect or refuse to make such written statement of the amount due or unpaid on said contract, as aforesaid, he shall be liable to such lien claimant, mortgagee, his representative, or assigns, each time he so refuses or neglects to comply with such demand in the sum of $100.00, and also for all actual damages occasioned by such neglect or refusal.

Liability of owner on failure to allow lien claimant to make copies of statements and notices.

Section 8321. When lien shall attach, period of continuance and priority.

SECTION 12. The several liens herein provided for shall be liens from the date the first labor was performed, or the first machinery, materials, or fuel, was furnished by the contractor under the original contract, and shall continue for six years after said affidavit is filed in the office of the county recorder. If the action be brought to enforce such lien within that time, it shall continue in force until final adjudication thereof, and such liens shall take priority as follows:

First. If several liens be obtained by several persons upon the same job, in the manner hereinbefore prescribed, they shall have no priority among themselves, except that liens filed by persons performing manual labor shall have priority to the extent of the labor performed during the thirty days immediately preceding the date of the performance of the last labor.

Second. They shall be preferred to all other titles, liens or incumbrances, which may attach to or upon such construction, excavation, machinery, or improvement, or to, or upon the land upon which they are situated, which shall either be given or recorded subsequent to the commencement of said construction, excavation, or improvement.

Section 8322. Superiority of liens; assignment.

SECTION 13. The lien of a subcontractor shall be superior to any already taken or to be taken by the principal contractor in respect of the same labor, machinery, material or fuel, and the liens of laborers, mechanics or persons furnishing machinery, material or fuel to a contractor or subcontractor, shall be superior to any lien already taken or to be taken by such contractor or subcontractor indebted to them in respect of such labor, machinery, material or fuel. An assignment or transfer by the principal contractor or subcontractor, of his contract with the owner or principal contractor, as well as all proceedings in attachment, or otherwise, against such principal contractor or subcontractor, to subject or incumber his interest in such contract, shall save and be subject to the claims of every laborer, mechanic, subcontractor or material man, who shall furnish any labor, machinery, material or fuel

towards the construction, excavation, alteration, removal or improvement as designated in this chapter.

Section 8323. Proceeding by person holding mechanic's lien.

SECTION 14. Any person holding a mechanic's lien, in addition to the remedies herein provided for, may proceed by petition, as in other cases of liens, against the owner and all other persons interested, either as lien holders or otherwise, in any such boat, vessel or other water craft, or house, mill, manufactory, or other building, or appurtenance, mentioned in section one hereof, or in any street, turnpike, road, sidewalk, way, drain, ditch or sewer, as mentioned in section two hereof, and the lot or land on which it stands or to which it may be removed, and obtain such judgment therein for the rent or sale thereof as justice and equity require. When judgment shall be rendered in such proceeding, in favor of the parties succeeding therein, the court may at its discretion allow a reasonable attorney's fee, to be paid out of the fund realized for lien claimants.

Section 8323-1. Adjustment of claim when owner fails to perform.

SECTION 15. When the owner, part owner or lessee shall have failed to perform his part of the contract, and by reason thereof the other party shall without his default, have been prevented from completely performing his part, he shall be entitled to a reasonable compensation for as much thereof as he has performed in proportion to the price stipulated for the whole, and the court shall adjust his claim accordingly.

Section 8323-2. When part of premises may be sold.

SECTION 16. If any part of the premises can be separated from the residue and sold without damage to the whole, and if the value thereof shall be sufficient to satisfy all the claims proved in the case, the court may order a sale of that part, if it shall appear to be most for the interest of all parties concerned.

Section 8323-3. How service may be made.

SECTION 17. Any notice, affidavit or copy required to be served under the provisions of this chapter also may be served by the sheriff of the county within which the person, firm or corporation sought to be served is resident, in the manner and form, and for which he shall be entitled to the fees provided by law for service of summons in civil action for money only, or the same may be served by registered letter addressed to such person, firm or corporation, and proof that such notice, affidavit or copy was mailed by registered letter to the last known place of residence of such person, firm or corporation shall be conclusive proof of service. In any proceeding to enforce the lien granted herein service may be made by publication as in civil actions.

Section 8323-4. Damage for neglect or refusal to release lien.

SECTION 18. If, after the amount of his lien has been satisfied, or adjudged against him in an action thereon, a lien holder neglects or refuses within thirty days thereafter, to cause such lien to be released, such lien holder shall be liable to the owner for all damages arising therefrom, not exceeding the amount of the lien and costs.

Section 8323-5. Executors and administrators, rights of.

SECTION 19. Executors and administrators of deceased owners shall have the rights and be subject to the liabilities under this chapter that such owners would enjoy and be subject to, if alive.

Section 8323-6. Lien not defeated by taking note or security.

SECTION 20. All liens or claims for liens which may arise or accrue under the terms of this act shall be assignable. No lien provided for in this act shall be defeated or waived by the taking by the lien claimant, from any person of any promissory note or notes or of any security for such debt other than upon the real estate itself, in the absence of a written agreement that the taking of such note or notes or such security shall be a waiver of the lien.

Section 8323-7. Rights of parties whose claims not due.

SECTION 21. Parties entitled to liens under this act whose claims are not due and payable, may give notice of their intention to claim a lien, and may become parties to any suit to enforce a lien, or institute such suit or proceedings themselves, and their claims shall be allowed, subject to a reduction of interest, if such claims are not due at the time of the rendition of the judgment, but no process shall issue or proceedings be had to enforce a judgment for such claim until the same matures.

Section 8323-8. Statute remedial and shall be liberally construed.

SECTION 22. This act is hereby declared to be a remedial statute and to be construed liberally to secure the beneficial results, intents, and purposes thereof; and a substantial compliance with its several provisions shall be sufficient for the validity of the lien or liens hereinbefore provided for and to give jurisdiction to the court to enforce the same.

Section 8323-9. Definitions.

SECTION 23. The words "owner," "part owner," or "lessee," used herein, shall be construed to include all the interests either legal or equitable, which such person may have in the real estate upon which the improvements contemplated by this act are made, including the interests held by any person under contracts of purchase, whether in writing or otherwise. The words, "material man," as used herein, shall be construed to include all persons by whom any machinery, materials or fuel are furnished in, or for any construction, erection, alteration, repair, or removal hereinbefore mentioned. The word "laborer," shall be construed to include any mechanic, workman, artisan, or laborer employed in or about any such work, as hereinbefore specified. The word "subcontractor" shall be construed to include any person, firm, or corporation who undertakes to construct, alter, erect, improve, repair, remove, dig, or drill any part of the structures or improvements mentioned herein under a contract with any person other than the owner. The word "person" includes a corporation or partnership or two or more persons having a joint or common interest.

Section 8323-10. Prior contracts not affected.

SECTION 24. This act shall not be construed to apply to contracts made or entered into at any time before this act shall take effect.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, Attorney General.

Sections 8308, 8310, 8311, 8312, 8313, 8314, 8315, 8316, 8317, 8318, 8319, 8320, 8321, 8322, 8323, 8330, 8333, 8334, 8335, 8336, 8337, 8338 of the General Code be, and the same are hereby repealed. Repeals.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
154 G.

[House Bill No. 46.]

AN ACT

To provide for the examination, regulation, supervision and dissolution of certain banking concerns.

Be it enacted by the General Assembly of the State of Ohio:

Section 744-1. SECTION 1. That no corporation not organized under the laws of this state, or of the United States, or person, partnership or association, shall use the word "bank," "banker" or "banking" or "trust" or "trust company", or words of similar meaning in any foreign language, as a designation or name under which business may be conducted in this state unless such corporation, person, partnership or association shall submit to inspection, examination and regulation, as provided in this act. The superintendent of banks shall execute all laws in relation to corporations organized under the laws of this state or of the United States, persons, partnerships and associations using the word "bank", "banker" or "banking", or "trust" or "trust company", or words of similar meaning in any foreign language as a designation or name under which business is conducted in this state. Certain corporations, persons, etc., prohibited from using the word "bank," "banker," etc., unless they submit to examination and regulation.

Section 744-2. SECTION 2. Every corporation not organized under laws of this state, or of the United States, or person, partnership or association using the word "bank", "banker" or "banking" or "trust" or "trust company" or words of similar meaning in any foreign language as a designation or name under which business may be conducted in this state, now transacting or hereafter desiring to transact a banking business in this state, shall, under oath file with the secretary of state a full, complete detailed statement of, Filing of detailed statement; contents thereof.

1. Name of the bank or proposed bank.

2. A copy of the articles of co-partnership or agreement, under which the business of the bank is being or is to be conducted, which shall be executed and acknowledged

by all of the parties interested therein, and at least one of whom shall be at all times a resident of the state of Ohio. If the banking business is being or is to be transacted or carried on by an individual, such individual shall at all times, while engaged in such banking business, be a resident of the state of Ohio, and the statement herein required shall show such.

3. The county and city or village in which the bank is to be located, and the business carried on.

4. A statement of the responsibility and the net worth of the individual members of such corporation, person, partnership or association.

5. If not disclosed in the articles of co-partnership or agreement, then the name of the officers, agents or employes in active charge of the management of the business of the bank, every such corporation, person, partnership or association now doing a banking business in this state shall on or before January 1, 1914, file with the secretary of state a detailed statement as provided herein. The secretary of state in filing said statements shall be governed by the provisions of sections 9705 and 9706 of the General Code of Ohio.

No such corporation, person, partnership or association shall transact business except such as is essential or necessarily preliminary to its organization until it has been authorized by the superintendent of banks.

In authorizing said banks to commence business and issuing a certificate to that effect, the superintendent of banks and such corporation, person, partnership or association shall be governed by the provisions of sections 9720, 9721, 9722 and 9723 of the General Code.

Section 744-3.

SECTION 3. If upon examination of the facts which may come to the knowledge of the superintendent of banks, whether by means of a special commission appointed by him for the purpose of inquiring into the conditions of such applicants or otherwise, the superintendent of banks finds that such person or firm is lawfully entitled to commence business, he shall give a certificate under his hand and official seal that they or he have complied with the law, and are authorized to commence business. But the superintendent of banks may withhold such certificate when he has reason to believe that such person or firm has formed for any other purpose than the legitimate business herein contemplated, or that the character and general fitness of the person or firm named in the application are not such as to command the confidence of the community in which such bank is proposed to be located, or that the public convenience and advantage will not be promoted by its establishment. If the superintendent of banks withholds a certificate for any of the reasons named in this section, an appeal may be made to a board composed of the governor, attorney general and superintendent of banks, whose decision shall be final.

Certificate of authority to commence business.

Section 744-4. SECTION 4. Upon becoming satisfied that a corporation not organized under the laws of this state, or of the United States, or person, partnership or association, using the word "bank", "banker" or "banking" or "trust" or "trust company", or words of similar meaning in any foreign language, as a designation or name under which business is conducted in this state, has refused to pay its depositors in accordance with the terms on which such deposits were received, or that such corporation, person, partnership, or association has become otherwise insolvent, or that it is conducting its business in an unsafe or unauthorized manner, or from any report or examination provided for by law, the superintendent shall have reason to conclude that such corporation, person, partnership or association is in an unsound or unsafe condition to transact the business for which it was organized, or that it is unsafe for it to continue business, the superintendent of banks forthwith may take possession of the property and the business of such corporation, person, partnership, or association, until its affairs be finally liquidated as provided by law. The superintendent of banks shall not take possession of the property and business of any such corporation, person, partnership or association which was doing business in this state prior to the time of the passage of this act for the failure to comply with the provisions of this act, as to transactions made prior to the passage of this act or renewals or settlements and adjustments of such transactions, where the examination provided for in this act discloses, or any such corporation, person, partnership, or association, shows to the satisfaction of the superintendent of banks, that the interests of its depositors, creditors and stockholders will not be endangered by permitting it to transact its regular business.

When superintendent authorized to take possession of property and business of a corporation, person, etc., for liquidation.

Section 744-5. SECTION 5. Every such corporation, person, partnership or association shall post in the room in which it transacts its business, and in plain view of its customers, a printed list of all the owners of, and parties interested in, such bank, and statement that the bank is a private bank. Should the interests of any members of such corporation, partnership or firm, or of an individual doing a banking business under the provisions of this act, change either by death, devise, sale or otherwise, then and in that case the superintendent of banks of the state of Ohio shall be notified of such change and notice printed and posted in the room of any such bank as herein provided. No such bank shall advertise by newspaper, letterhead, or in any other way, a larger capital than has been actually paid in.

Posting of notice that bank is private bank.

Section 744-6. SECTION 6. That all persons, partnerships or associations that shall engage in business under the purview of this act, shall have printed on all their advertising matter and business stationery, the word "unincorporated" immediately following the name of the firm or business title.

"Unincorporated" shall be printed upon stationery and advertising matter.

The depositors in any bank shall have first lien on the assets of such bank, in case it is wound up to the amount

Depositors shall have first lien on assets; reserve.

of their several deposits, and for any balance remaining unpaid, such depositors shall share in the general assets of the owner or owners alike with the general creditors. Every such corporation, person, partnership, or association shall keep as a reserve at least fifteen per cent. of the total deposits; such reserve may be in lawful currency kept in the vaults of the bank, or may be invested in the securities named in the paragraphs b and c of section 9758, or the bonds of any city or county within this state, or kept subject to demand in other banks or trust companies designated by such bank with the approval of the superintendent of banks of Ohio.

Section 744-7. Reports filed in the office of superintendent.

SECTION 7. That all reports received from persons, partnerships and associations engaged in, and all applications received from persons, partnerships or associations desiring to engage in business within the purview of this act, shall be kept on file in the office of the superintendent of banks, and open to the inspection of all persons, at the discretion of the superintendent of banks.

Section 744-8. Dissolution.

SECTION 8. Upon the failure of any person, persons, partnership or association coming within the purview of this act, to comply with it in any particular, the superintendent of banks shall proceed at once to take charge of their affairs and proceed with their dissolution with full power and authority as provided for other cases in section 4 of this act.

Section 744-9. Laws governing the conduct and business of banking institutions.

SECTION 9. Sections 720, 724, 725, 729, 734, 735, 737, 738, 740, 741, 742, 742-1, 742-2, 742-3, 742-4, 742-5, 742-6, 742-7, 742-8, 742-9, 742-10, 742-11, 742-12, 742-13, 742-14, 742-16 and 743 of the General Code of Ohio shall refer to and include every and all corporations not organized under the laws of this state or of the United States, persons, partnerships and associations using the word "bank", "banker" or "banking" or "trust"or "trust company" or words of similar meaning in any foreign language as a designation or name under which business is or may be conducted in this state, and every such corporation, person, partnership or association shall be governed by and shall conduct all their business and transactions as provided in said sections in the same manner as if such corporations, persons, partnerships or associations were specifically mentioned in each of said sections; and every such corporation, person, partnership or association shall do and perform all things required by each and all said sections, and the superintendent of banks shall have the power and authority over such corporations, persons, partnerships and associations, as is given to him over banking corporations in Ohio by said sections; and each and every other section of the General Code of Ohio providing for the inspection, examination and regulation of banking corporations, except the provisions as to capital stock and the amount of loans and investments computed on the basis of capital stock, and except the provisions for the publication of reports, shall be held to apply to each and every such cor-

poration, person, partnership or association so far as the said sections and parts of sections may be applicable.

Section 744-10. SECTION 10. Whoever, being connected with or serving, or being an officer, employe, agent or director of a corporation not organized under the laws of this state, or the United States, or person, partnership or association using the word "bank", "banker", or "banking" or "trust" or "trust company", or words of similar meaning in any foreign language as a designation or name under which business is conducted in this state, wilfully certifies a check drawn on such corporation, person, partnership or association and fails forthwith to charge the amount thereof against the account of the person, firm or corporation drawing it, or wilfully certifies a check drawn upon such corporation, person, partnership or association, unless the person, firm or corporation drawing it has on deposit with such corporation, person, partnership or association an amount of money subject to the payment of such check and equal to the amount specified therein, or resorts to a device, receives a fictitious obligation in order to evade that provision of this section, or certifies a check before the amount thereof has been regularly entered to the credit of the drawer thereof upon the books of such corporation, person, partnership or association, shall be fined not more than five thousand dollars or imprisoned in the penitentiary not less than one year nor more than five years, or both.

Penalty for certifying check without deposit, or resort to device to evade law.

Section 744-11. SECTION 11. Whoever, being connected with or serving, or being an officer, employe, agent or director, of a corporation not organized under the laws of this state, or of the United States, or person, partnership or association, using the word "bank", "banker" or "banking" or "trust" or "trust company" or words of similar meaning in any foreign language, as a designation or name under which business is conducted in this state, receives, or permits an employe to receive money, checks, drafts or other property as a deposit therein when he has knowledge that it is insolvent, or wilfully and fraudulently issues or puts forth a certificate of deposit, draws an order or a bill of exchange, makes an acceptance, assigns a note, bond, draft, bill of exchange, mortgage, judgment of decree, or makes a false entry in a book, report or statement of such corporation, person, partnership or association, or fictitiously borrows or solicits, obtains or receives money for said corporation, person, partnership or association not in good faith intended to be and not the property of such corporation, person, partnership, or association, with intent to defraud or injure such corporation, person, partnership or association, or another corporation or person, or to deceive an officer of such corporation, person, partnership or association or an agent appointed to examine the affairs of such corporation, person, partnership or association, or publishes a false statement or report relating to the financial condition of such corporation, person, partnership or association, with intent to defraud or injure it or another cor-

Penalty for receiving deposits with knowledge of insolvency, issuing fraudulent certificate of deposit, etc.

poration or person, shall be fined not more than five thousand dollars or imprisoned in the penitentiary for more than ten years, or both.

SECTION 12. That sections 712 and 717 of the General Code of Ohio be so amended to read as follows:

Appointment and removal of examiners and clerks.

Sec. 712. With the approval of the governor, the superintendent of banks may employ from time to time necessary clerks and examiners to assist in the discharge of the duties imposed upon him by law. With such approval, he may remove any such clerks or examiners. He shall summarily remove the deputy superintendent of banks, and any examiner, clerk or deputy connected with the department of the superintendent of banks upon the violation by any such officer, examiner or clerk of any of the provisions of section 717 of the General Code.

Superintendent and examiners shall not be interested in or borrow money from banks.

Sec. 717. Neither the superintendent of banks nor the examiners appointed by him shall be interested directly or indirectly in any national banking association or in any bank or other corporation or association under their supervision, or be engaged in the business of banking. Neither the superintendent of banks, the deputy superintendent of banks, or any examiner, deputy or clerk connected with the department of the superintendent of banks shall directly or indirectly borrow money from any corporation, person or association under the supervision of the superintendent of banks.

Section 744-12.

Institutions prohibited as depositories of state funds.

SECTION 13. That whenever any of the funds of the state, or any of the political subdivisions of the state, shall be deposited under any of the depository laws of the state, every corporation, person, partnership and association coming within the purview of this act shall be permitted to bid upon and be designated as depositories of such funds, upon furnishing such surety or securities therefor as is prescribed by the laws of the state of Ohio; provided, however, that there shall not be deposited with any such corporation, person, partnership, or association by any such political subdivision an amount in excess of $500,000, nor in any event an amount in excess of fifty (50) per cent. of the amount of the funds of such political subdivision so at any time to be deposited.

SECTION 14. That original sections 712 and 717 be and the same are hereby repealed.

Section 744-13.

When act shall take effect.

SECTION 15. This act shall go into effect July first, 1914, except that every corporation not organized under the laws of this state or of the United States, person, partnership or association, using the word "bank", "banker" or "banking" or "trust" or "trust company" or words of similar meaning in any foreign language, as a designation or name under which business is conducted in this state, shall, on and after September first, 1913, make reports to the superintendent of banks of Ohio in the manner and form as provided in sections 737, 738, and 741 of the General Code of Ohio which shall apply to and govern all such corporations, persons, partnerships or associations;

provided further that at any time after September first, 1913, the superintendent of banks of Ohio, when he has reason to believe from any report made by any such corporation, person, partnership or association, or otherwise, that such corporation, person, partnership or association is in a failing or insolvent condition he may make an examination of any such corporation, person, partnership or association as provided by section 730 of the General Code, and upon his finding any such corporation, person, partnership, or association to be insolvent or in a failing condition he may take charge of the same and proceed to liquidate its affairs as provided by law for the liquidation of banking corporations of this state; provided further that section 2 of this act shall go into effect on January first, 1914; provided further that section 12 of this act shall go into effect at the earliest date allowed by law.

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provided by
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TIMOTHY S.
HOGAN,
ttorney
General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
155 G.

[House Bill No. 333.]

AN ACT

Providing for enlarging and extending the jurisdiction of the police court of the city of Dayton and changing the name of such court to the municipal court of Dayton.

Be it enacted by the General Assembly of the State of Ohio:

ction 1579-46. SECTION 1. That hereafter the police court in the city of Dayton shall be a court of record and shall be styled, "The Municipal Court of Dayton," and is hereinafter designated and referred to as the municipal court. "The Municipal Court of Dayton."

ction 1579-47. SECTION 2. The municipal court shall hereafter consist of three judges one of whom shall be chief justice, and the present police judge of Dayton shall be hereafter chief justice of the municipal court until the expiration of his present term and all of said judges shall, at the time of their election or appointment, be qualified electors and residents of the city of Dayton and shall have been admitted to the practice of law for not less than three years. Judges constituting court and qualifications.

ction 1579-48. SECTION 3. The additional judges herein created shall be elected at the regular municipal election in November, 1913, for terms of four years commencing on the first of January, 1914. The chief justice shall be elected at the regular municipal election next preceding the expiration Election of additional judges; term.

of his term of office for a term of four years and all judges shall hold office until their successors are elected and qualified.

Section 1579-49. Salary of judges.

SECTION 4. The salary of the judge of the municipal court shall be not less than one thousand dollars per annum, payable out of the treasury of Montgomery county in monthly installments, as the county commissioners may prescribe, and such further compensation, not less than two thousand five hundred dollars per annum, payable in monthly installments out of the treasury of the city of Dayton, as the council or other proper legal authority may prescribe. The chief justice, who shall be specially nominated and elected as such, shall receive not less than one thousand dollars per annum, payable out of the treasury of Montgomery county in monthly installments, as the county commissioners may prescribe, and such further compensation, not less than three thousand dollars per annum, payable in monthly installments out of the treasury of the city of Dayton, as the council or other proper legal authority may prescribe.

Election and salary of chief justice.

Vacations.

The vacations of the respective judges of the municipal court shall not exceed thirty (30) days during each year and at such times as fixed by the chief justice and at least two judges shall be in attendance at all times.

Section 1579-50. Removal.

SECTION 5. The judges of the municipal court shall be subject to the same disabilities and may be removed from office for the same causes as the judges of the court of common pleas. The vacancies arising from any cause shall be filled as prescribed for the filling of vacancies of police courts.

Section 1579-51. Jurisdiction.

SECTION 6. The municipal court shall have the same jurisdiction in criminal matters and prosecutions for misdemeanors or violations of ordinances as heretofore had by the police court of Dayton and in addition thereto shall have ordinary civil jurisdiction within the limits of said city of Dayton in the following cases:

1. In all actions and proceedings of which the justices of peace, or such courts as may succeed justice of the peace courts, have or may be given jurisdiction.

2. In all actions and proceedings at court for the recovery of money, or personal property of which the court of common pleas has, or may be given, jurisdiction, when the amount claimed by any party, or the appraised value of the personal property sought to be recovered, does not exceed $500.00 and in such actions judgment may be rendered for over $500.00 when the amount over $500.00 shall consist of interest or damages, or costs accrued after the commencement of the action.

3. All actions on contracts expressed or implied, when the amount claimed by the plaintiff, exclusive of all costs, does not exceed $500.00. When a cause arising out of a contract is pending in the municipal court and when the ends of justice demand that the contract or contracts be

reformed or cancelled, the municipal court shall have jurisdiction to decree such reformation or cancellation.

4. All actions in forcible entry or detainer.

5. All actions or proceedings whether legal or equitable to enforce the collection of its own judgments.

6. All actions for the sale of personal property under chattel mortgage, lien or other charge or encumbrance upon personal property, and for marshaling of all liens thereon when the appraised value of such property shall not exceed $500.00.

7. All actions and proceedings for the sale of personal property under lien of judgment of the municipal court or lien for material or fuel furnished or labor performed and for the marshaling of all liens thereon.

8. All actions and proceedings in the nature of creditor's bills in aid of execution, to subject the interest of a debtor in real or personal property to the payment of a judgment of the municipal court.

9. All actions and proceedings in the nature of interpleader and involving $500.00 or less, but parties may interplead as to larger amounts in any action originally instituted involving $500.00 or less.

ection 1579-52. SECTION 7. In all causes the municipal court shall have jurisdiction in every ancillary and supplemental proceeding, before and after judgment, including attachment of person or property, arrest before judgment, interpleader, aid of execution and the appointment of a receiver, for which authority is now, or may hereafter be conferred upon the court of common pleas, or a judge thereof, or upon justices of the peace. [Jurisdiction in ancillary and supplemental proceedings.]

ection 1579-53. SECTION 8. The municipal court shall have jurisdiction of all misdemeanors and of all violations of city ordinances of which police courts in municipalities now have or may hereafter be given jurisdiction. In felonies the municipal court shall have the powers which police courts in municipalities now have or may hereafter be given. [Jurisdiction of misdemeanors, etc.]

ection 1579-54. SECTION 9. In the actions and proceedings of which the municipal court has jurisdiction, all laws conferring jurisdiction upon a court of common pleas, a police court or a justice of the peace, giving such court or officer power, to hear and determine such causes, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution or enforcement thereof, shall be held to extend to the municipal court, unless inconsistent with this act or plainly inapplicable. [Further jurisdiction.]

ection 1579-55. SECTION 10. When the amount due to either party exceeds the sum for which the municipal court is authorized to enter judgment, such party may remit the excess, and judgment be entered for the residue. A defendant need not remit such excess, and may withhold setting it off. A recovery for the amount set off and allowed, or any part of it, shall not be a bar to his subsequent action for the amount withheld. [When the amount due exceeds certain sum.]

Section 1579-56. [When the appraised value of property exceeds $500.00.]

SECTION 11. Whenever the appraised value of property sought to be recovered or sold (save in the excepted instances heretofore set forth) in any action in the municipal court exceeds $500.00 the judge of the municipal court shall certify the proceedings in the case to the court of common pleas of Montgomery county and thereupon the clerk of the municipal court shall file the original papers and pleadings, together with a certified transcript of the docket and journal entries in the case, in the office of the clerk of the said common pleas court. The bailiff shall turn over the property in his possession to the sheriff of Montgomery county, to be by him held as in like cases originating in the court of common pleas. The case must then proceed as if it had been commenced there.

Section 1579-57. Commencement of actions.

SECTION 12. Civil actions and proceedings in the municipal court shall be commenced by summons or writ, the form of which shall be prescribed by rule of court, except as herein otherwise provided. An action or proceeding shall be commenced on delivery of the summons or writ by the clerk to the bailiff for service.

1. All writs and process in the municipal court shall be served and returned by the bailiff, or by publication in the same manner as is now, or may hereafter be, provided by law for the service and return of writs and process in the court of common pleas. Where the manner of service is not so provided for, service and return may be made in the same manner provided by law for the service and return of process and writs issued by a police court, or a justice of the peace.

2. The return day shall be fixed by rule of court and the summons or writs shall, unless accompanied with an order to arrest, be served at least three days before the time of appearance.

3. In all civil cases in the municipal court the plaintiff shall file a statement of claim and the defendant shall file a like statement of any setoff or counterclaim he may desire to assert. A statement of defense shall be filed in such cases and within such time as may be required by rule of court. In cases where a statement of defense is required the summons shall set forth the date when such statement shall be filed, as fixed by rule of court, which shall be not less than five days after the return day of the summons. The statement shall set forth in plain and direct language the facts constituting the cause of action, setoff, counterclaim, or defense.

4. To expedite the business and promote the ends of justice the judges may from time to time adopt, publish, and revise rules relating to the matters of practice and procedure, classify the causes of action in the court, and prescribe with reference to each class the degree or particularly with which cause of action, setoff, counterclaim, or defense, shall be set up.

Section 1579-58. SECTION 13. In all criminal cases and proceedings the practice and procedure and mode of bringing and conducting prosecution for offenses, and the powers of the court in relation thereto, shall be the same as those which are now, or may hereafter be, possessed by police courts in municipalities unless otherwise provided herein. Procedure in criminal actions.

Section 1579-59. SECTION 14. In addition to the exercise of all the other powers of a judge of said court, the chief justice shall have the general superintendence of the business of the court and may classify and distribute among the judges the business pending in said court. He shall render a complete annual report to the council of the city of Dayton, covering the preceding year, which report shall show the work performed by the court, a summary of all expenses of the civil and criminal branches of the court respectively, a statement of receipts and expenditures, the number of cases heard, decided and settled by the court and by each judge thereof, the number of decisions of the municipal court reversed or affirmed by a reviewing court, the number of days and hours of attendance in court of each judge and such other data as the council may require. Said report shall be printed by the council for free distribution to the public. The judges of the court may sit separately or otherwise; shall meet at least once in each month and at such other times as the chief justice may determine for consideration of the business of the court; shall prescribe forms; establish a system for the docketing of causes, motions and demurrers; adopt and publish rules governing practices and procedure not otherwise provided for in this act; and designate the mode of keeping and authenticating the records of proceedings had before them. The judges or a judge of the court may summon and impanel jurors, tax costs; compel the attendance of witnesses, jurors and parties; issue process; preserve order; punish for contempts; and may exercise all powers which are now, or may hereafter be, conferred upon the court of common pleas or the judge thereof, or upon justices of the peace, or upon police courts of cities or the judges thereof, or are necessary for the exercise of the jurisdiction herein conferred and for the enforcement of the judgments and orders of the court. Each judge shall at least once each month, make a report, in writing to the chief justice, of the duties performed by him in such manner and form as the chief justice may require. Any order made by the chief justice, under the special powers conferred upon him in this act, may be vacated, amended or modified, by the vote of a majority of the judges of this court.

Additional powers and duties of chief justice.

Report.

Meetings.

General powers and duties.

Monthly report of each judge.

Order by chief justice may be vacated.

ection 1579-60. SECTION 15. All causes, both civil and otherwise, in the municipal court shall be tried to the court unless, before the court shall proceed to inquire into the merits of the cause, a jury shall be demanded in writing by either party to the action. In all civil actions where a jury shall be demanded, it shall be composed of six men, having qualifications of electors, unless the parties agree on a less num-

Right of trial by jury.

Number and qualifications of jurors.

ber. Provided, however, that any party may demand a jury of twelve men by specifying that number in said written demand. In all civil actions if not less than three-fourths of the members composing the jury for the trial of a case, shall agree upon a verdict, the same shall be rendered and have the same force and effect as if the verdict had been agreed upon and rendered by the jury unanimously. In all actions and proceedings of which police courts in cities have or may hereafter be given jurisdiction, where a jury may be and is demanded, it shall be composed of twelve men having the qualifications of electors.

Verdict.

Section 1579-61. SECTION 16. In all civil actions and proceedings the cost of summoning jurors and the fees of jurors shall be taxed as part of the costs, and such costs must be secured in advance by the party demanding jury.

Taxing costs.

Section 1579-62. SECTION 17. Jurors in the municipal court shall be chosen and summoned in accordance with a rule of the court, unless the council of the city of Dayton otherwise provide. They shall be impaneled in the same manner and challenged for the same causes as jurors in the court of common pleas; they shall have the same qualifications and receive the same fees as jurors in the court of common pleas; their fees shall be paid out of the treasury of the city of Dayton. It shall be the duty of the chief justice of the municipal court to have investigated all jurors summoned for service in the municipal court as to their qualification to act as such, and to have such persons rejected who do not appear to possess the qualifications required by law, and to designate one of the associate judges to conduct the examination of said jurors and the preparation of jury lists and to pass upon the qualifications of jurors.

Summoning and impaneling jury.

Section 1579-63. SECTION 18. In all causes the municipal court shall have the same authority to set aside a verdict or a judgment, and grant a new trial, as is now, or may hereafter be, conferred upon courts of common pleas.

New trial.

Section 1579-64. SECTION 19. The calendar of the municipal court shall be divided into four terms of three months each, beginning respectively on the first of January, April, July and October of each year. The chief justice of the municipal court may continue the session of any term of said court beyond the time fixed for the commencement of the next term, when such continuance is necessary to finish the trial of any cause or to receive the verdict or pronounce judgment in any cause, the trial of which has been commenced during the term.

Calendar.

Section 1579-65. SECTION 20. All lands and tenements, including vested interests therein, and permanent leasehold estates renewable forever, located within the city of Dayton, or county of Montgomery, shall be bound for the satisfaction of any judgment rendered in the municipal court from the first day of the term at which judgment is rendered; but judgments by confession, and judgments rendered at the same term at which the action is commenced shall bind such lands, tenements, vested interests and permanent lease-

Effect of judgments.

holds only from the day on which such judgments are rendered.

Section 1579-66. SECTION 21. The party in whose favor a judgment is rendered by the municipal court may file a transcript of such judgment in the office of the clerk of the court of common pleas, in the same manner and under the same conditions as are now, or may hereafter be, provided for the filing of transcripts of judgments rendered by justices of the peace; all provisions relative to transcripts of judgments and liens of judgments rendered by justices of the peace, shall, in so far as applicable, be applied to transcripts of judgments and liens of judgments rendered by the municipal court. Transcript.

Section 1579-67. SECTION 22. The lien of judgment of the municipal court may be enforced in the court of common pleas in the same manner as the lien of a judgment rendered by the court of common pleas. Execution may be issued on such judgments at any time after a transcript thereof has been filed, as if the judgment had been rendered by the court of common pleas; but all liens shall remain as provided in this act. Enforcement of judgments. Execution; liens.

Section 1579-68. SECTION 23. The records of the municipal court may be proved by the production of the original records, or by a transcript thereof certified by the clerk of said court under its seal. Proof of records.

Section 1579-69. SECTION 24. The clerk of the municipal court shall make and maintain an alphabetical index of the names of all plaintiffs and defendants to suits filed in said court. Index.

Section 1579-70. SECTION 25. When the summons has been served or the first publication made, the action in the municipal court is pending so as to charge third persons with notice of its pendency. While pending, no interest can be acquired by third persons in the subject of the action, as against the plaintiff's title. Notice of pending action.

Section 1579-71. SECTION 26. Proceedings in error may be taken to the common pleas court of Montgomery county from a final judgment or order of the municipal court in the same manner and under the same conditions as provided by law for proceedings in error from the common pleas court, to the court of appeals. Proceedings in error.

Section 1579-72. SECTION 27. No assignment of error in a reviewing court shall be allowed in any action which shall call in question the decision of the municipal court in reference to any matter pertaining to the practice in said court; provided, however, that the reviewing court may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where in the opinion of the reviewing court such relief is necessary to prevent a failure of justice. [Error pertaining to matter of practice.]

Section 1579-73. SECTION 28. The laws governing the court of common pleas as to security for costs except as herein otherwise provided for, motions for new trials, vacation or modification of judgments before and after terms, the referring of matters to a referee, the issuing of executions and orders for Laws governing courts of common pleas, applicable.

stay of execution, and the taking of depositions shall be held to apply, so far as applicable, to the municipal court. Provided, that a person against whom a judgment has been rendered in the municipal court may stay execution thereon by entering into a bond to the adverse party within ten days after the rendition of such judgment, with sufficient surety, who shall be a freeholder owning real property situated in the city of Dayton or a corporation authorized to execute surety bonds in this state, approved by the clerk of the court or a deputy, and conditioned for the payment of the amount of such judgment, interests, costs and costs that accrue. Such bonds shall be entered on the docket of the clerk of the court and shall be signed by such surety. Where a freeholder of the city of Dayton is a surety, said undertaking shall be a lien on the real property of said freeholder situated in the city of Dayton from the time of signing the undertaking until the judgment and all costs in the case upon which the stay of execution has been granted and satisfied.

[Stay of execution.]

The stay of execution hereby authorized shall be graduated as follows:

First: On a judgment of $50.00 and under, thirty days.

Second: On a judgment exceeding $50.00 for ninety days.

Section 1579-74. Clerk; election, term and salary.

SECTION 29. The clerk shall be elected at the regular municipal election in 1913 for a term of four years and shall receive such compensation, payable out of the treasury of the city of Dayton, not less than two thousand dollars per annum, payable in monthly installments, as the city council or other legal authority may prescribe. The deputies to the clerk shall be designated as hereinafter provided in this act.

Section 1579-75. Powers and duties.

SECTION 30. The clerk of the municipal court shall have power to administer oaths, and take affidavits and to issue executions upon any judgment rendered in the municipal court, including a judgment for unpaid costs; he shall have power to issue and sign all writs, process and papers issuing out of the court, and to attach the seal of the court thereto; shall have power to approve all bonds, recognizances and undertakings fixed by any judge of the court or by law; shall file and safely keep all journals, records, books and papers belonging or appertaining to the court, record its proceedings and perform all other duties which the judges of the court shall prescribe. He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fines and penalties; and shall pay the same quarterly to the treasurer of the city of Dayton and take his receipt therefor, but money deposited as security for costs shall be retained by him pending the litigation; he shall keep a record showing all receipts and disbursements, which shall be open for public inspection at all times; and shall on the first Monday of each term of court make to the city auditor a report of all

receipts and disbursements for the preceding term. He shall succeed to all and shall have all the powers and perform all the duties of police clerks, and as to the selection of the deputy clerks; he shall have power to appoint a chief deputy and such number of other deputies and assistants as shall be designated from time to time by the judges of the court.

ection 1579-76. SECTION 31. All money deposited as security for costs and all other moneys, other than costs, paid into the municipal court, shall be noted on the record of the cause in which they are paid and shall be deposited by the clerk in such banking institutions as shall be designated by the judges of the court, there to abide the order of the court and to bear interest at not less than two per cent. per annum. On the first Monday in January of each year the clerk shall make a list of the titles of all causes in the municipal court which were finally determined more than one year past, in which there remains unclaimed in the possession of the clerk any of such funds, or any part of a deposit for security for costs not consumed by the costs in the case. The clerk shall give notice of the same to the parties entitled to said moneys, or to their attorneys of record. All such moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the city treasurer provided, however, that any part of such moneys shall be paid by such treasurer at any time to the person having the right thereto upon proper certificate of the clerk of the court.

All moneys shall be deposited and draw interest.

Disposition of unclaimed costs.

ction 1579-77. SECTION 32. Before entering upon the duties of his office the clerk of the municipal court shall make and file in the office of the clerk of the city of Dayton, a bond in the sum of not less than ten thousand dollars, to be determined by the judges of the court, with two or more sufficient sureties to be approved by the chief justice, conditioned upon the faithful performance of his duties as such clerk. The said bond shall be given for the benefit of the city of Dayton and for the benefit of any person who may suffer loss by reason of a default in any of the conditions of said bond. A vacancy in the office of clerk of the municipal court shall be filled by the judges of the court.

Bond.

Vacancy.

ction 1579-78. SECTION 33. The chief deputy clerk shall receive such compensation not less than one thousand five hundred dollars per annum as the council may prescribe. The other deputy clerks shall receive such compensation not less than one thousand dollars per annum as the council may prescribe. All of said salaries shall be paid out of the treasury of the city of Dayton in monthly installments. If desired by the court, the clerk shall designate one deputy to each court room, who shall perform such duties as may be required by the court. The clerk may require any of the deputy clerks to give a bond of not less than one thousand dollars, the terms whereof shall be subject to the approval of the judges of the court. The sureties on said bonds

Compensation of chief clerk.

Deputy clerks may be required to give bond.

shall be approved and said bonds shall be filed in the manner prescribed for the approval and filing of the clerk's bond.

Section 1579-79. Bailiffs; duties, compensation and bond.

SECTION 34. Three bailiffs shall be designated as hereinafter provided for in this act. They shall perform for the municipal court, services similar to those usually performed by the sheriff for courts of common pleas and by the constable or courts of justice of the peace. Each bailiff shall receive such compensation not less than one thousand five hundred dollars per annum payable out of the treasury of the city of Dayton in monthly installments as the council may prescribe. Before entering upon his duties, each bailiff shall make and file in the office of the clerk of the city of Dayton, a bond in the amount of not less than two thousand dollars. The terms of said bonds shall be subject to the approval of the judges of the court. The said bond shall be given for the benefit of the city of Dayton and of any person who shall suffer loss by reason of a default in any of the conditions of said bond.

Section 1579-80. Nomination of clerks and appointment of bailiffs.

SECTION 35. All deputy clerks shall be nominated for their respective positions by the clerk and confirmed by the judges of the municipal court. The bailiffs shall be appointed by the judges of the municipal court and hold office during the pleasure of the court and the deputy clerks and bailiffs may be removed at any time by the clerk or the judges of the municipal court respectively. Every police officer of the city of Dayton shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or any judge thereof, or the clerk.

Section 1579 81. Costs; how taxed.

SECTION 36. The costs in said court shall be two dollars in each case, exclusive of witness fees and juror fees and the costs of summoning the witnesses and jurors. Such fees and costs of summoning such jurors and witnesses shall be fixed in the same manner as is now or may hereafter be, provided for in the court of common pleas, for witness fees and the cost of summoning them. Said costs of two dollars shall be payable in advance upon the institution of any proceeding unless the party instituting same shall make an affidavit of poverty and be allowed for good cause shown by one of the judges to institute his action without payment of such costs. There shall be no advance costs in any criminal proceeding or prosecution but no warrant or order of arrest shall issue without consent of the city solicitor, one of his assistants, one of the judges of the court, or the clerk or his chief deputy.

Warrant shall not issue without consent.

Section 1579-82. Suitable accommodations for court.

SECTION 37. The council of the city of Dayton shall provide suitable accommodations for the municipal court and its officers, including a private room for each judge and sufficient jury room. The council shall also provide for the use of the court complete sets of the reports of the supreme and inferior courts of Ohio and such other authorities as it shall be deemed necessary, and shall provide

for each court room the latest edition of the General Code of Ohio, and neecssary supplies including telephone, stationery, furniture, heat, light and janitor service.

Section 1579-83. SECTION 38. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the state and shall be one and three-fourths inches in diameter and shall be surrounded by these words: "The Municipal Court of Dayton, Ohio," and shall have no other words or device engraved thereon. Seal.

Section 1579-84. SECTION 39. The solicitor for the city of Dayton shall also be prosecuting attorney of the municipal court. He may designate such number of assistant prosecutors as the council of the city of Dayton may authorize. The persons thus appointed shall receive for their services in city cases such salaries as the council prescribe. The prosecuting attorney of the municipal court shall prosecute all cases of a criminal nature brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county. The council of the city of Dayton, by ordinance, shall provide for one or more official stenographers and fix their compensation and provide for the payment of the same out of the city treasury. Stenographers shall be appointed by the judges of the municipal court and serve at their pleasure. The court shall regulate the charge for transcripts of testimony and the receipts therefor shall be paid to the clerk and by him accounted for as in the case of costs paid in. Solicitor and assistants. Official stenographers. Charge for transcripts.

Section 1579-85. SECTION 40. Whenever the chief justice or judge of the municipal court or the incumbent of any office created by this act shall be temporarily absent or incapacitated from acting, the chief justice shall appoint a substitute who shall have all the qualifications required of the incumbent of the office. Such appointee shall serve until the return of the regular incumbent, or until his incapacity ceases, and shall have the jurisdiction and powers conferred upon judges of the municipal court, be styled "acting judge" of the municipal court, and, as such, sign all process and records during the time he shall serve, and perform all other acts pertaining to the office. All courts shall take judicial notice of the selection and powers of such persons. Whenever, under the provisions of this act, authority is vested in all the judges constituting said court, such authority shall be exercised in accordance with a majority vote of said judges, including the chief justice. The person selected as such acting municipal judge shall be paid for the time occupied, in the same manner and at the same rate as a municipal judge. The amount so paid shall not be deducted from the compensation of the municipal judge, if such absence, inability or disability of the municipal judge, and the holding of the court by such acting judge does not exceed 30 days in any one year. Appointment of "acting judge."

Section 1579-86. SECTION 41. No justice of the peace in any township in Montgomery county, or any mayor of any village or city in said county shall have jurisdiction in any proceeding, Justices of the peace no jurisdiction in city of Dayton.

whether civil or criminal, to issue any warrant, order of arrest, summons, order of attachment or garnishment or other process except subpoena for witnesses directed against any person a resident of the city of Dayton and in proceedings to collect the judgment of such justices of the peace.

Section 1579-87.

Police and justice court proceedings, dockets, property, etc., shall be turned over to municipal court.

SECTION 42. All proceedings, judgments, executions, dockets, papers, moneys, property and persons subject to the jurisdiction of the police court of the city of Dayton and the courts of any justice of the peace for Dayton township on December 31st, 1913, shall be turned over to the municipal court herein created and all judgments not barred by the statutes of limitation shall be revived; and thereafter the cause shall proceed in the municipal court as if originally instituted therein, the parties making such amendments to their pleadings as required to conform to the rules of said court.

Section 1579-88.

SECTION 43. No justice of the peace, judge of the police court, or constable shall hereafter be elected in Dayton township.

Section 1579-89.

Repeals.

SECTION 44. Sections 14716, 14717, 14718 of the General Code be and the same are hereby repealed, but this section of this act shall not go into effect until January 1, 1914.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 8th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
156 L.

[House Bill No. 526.]

AN ACT

To prevent discrimination against alien dependents of killed employes.

Be it enacted by the General Assembly of the State of Ohio:

Section 1465-107.

Discrimination against alien dependents, unlawful.

SECTION 1. That it shall be unlawful for the state liability board of awards, or any other body constituted by the statutes of the state of Ohio, or any court of said state, in awarding compensation to the dependents of employes, or others killed in Ohio, to make any discrimination against the widows, children, or other dependents, who shall reside in a foreign country; and it shall be the duty of the state liability board of awards, or any other board or court, in determining the amount of compensation to be paid to the dependents of killed employes, to pay to the alien dependents residing in foreign countries the same benefits as to those dependents residing in the state of Ohio.

Section 1465-108. SECTION 2. When the dependents of killed employes reside in a foreign country, the consul general, consul, vice-consul, or consular agent, duly accredited to the consular district within which such killed employe lived at the time of his decease by the country wherein such dependents of the killed employe reside, shall furnish the necessary information regarding such dependents of killed employes so that the state liability board of awards may transmit to such dependents the funds provided for in the compensation act of the state of Ohio, or any amendments thereto.

Who shall furnish information concerning dependents.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
157 G.

[House Bill No. 589.]

AN ACT

To amend sections 1 and 8 of an act, entitled an act to establish a criminal court in the city of Lorain, Lorain county, Ohio, passed May 10, 1910.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 8 of an act, entitled an act to establish a criminal court in the city of Lorain, Lorain county, Ohio, passed May 10, 1910, be amended to read as follows:

Section 14740-13. Sec. 1. There is hereby established in the city of Lorain, Lorain county, Ohio, a criminal court held by a judge, which court shall be styled the criminal court and be a court of record, and shall have jurisdiction of any offense under any ordinance of the city of Lorain and of any misdemeanor committed within the limits of Lorain county, to hear and finally determine the same and impose the prescribed penalty; but cases in which the accused is entitled to a trial by a jury, shall be so tried unless a jury is waived in writing by the accused.

Establishment of criminal court in the city of Lorain; jurisdiction.

Section 14740-20. Sec. 8. Such judge shall be an elector of the city and an attorney and counsellor at law duly admitted and licensed to practice law in this state. He shall be elected by the electors of said city of Lorain at the regular fall election in 1911 for a term of two years commencing on the first Monday of January next after his election. His successor shall be elected at the regular fall election in 1913 for a term of four years and at the regular fall elections each four years thereafter.

Qualification, election and term of judge.

SECTION 2. That said original sections 1 and 8 of an act, entitled an act to establish a criminal court in the city

of Lorain, Lorain county, Ohio, passed May 10, 1910, be and the same are hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
158 L.

[House Bill No. 425.]

AN ACT

To provide for the redemption of county free turnpike road bonds defaulted by reason of expiration of time, and where turnpike roads could not be certified to the county treasurer for collection for a continuous period after expiration of the original time limit and the additional ten years, for the payment of such turnpike road county bonds, and where such source of payment has proved inadequate for the redemption of such bonds.

Be it enacted by the General Assembly of the State of Ohio:

Section 7309-1. SECTION 1. That when any county bonds have been issued by virtue of part 2, title 7, chapter 7, sections 4774 to 4828, inclusive, Revised Statutes of the state of Ohio, authorizing the construction and improvement of free turnpike roads, and the issuing of bonds for said purpose by the commissioners of said free turnpike roads, and requiring their redemption within certain limitations of time, and adequate moneys to redeem such bonds, together with interest, cannot be derived from such source provided for their redemption, then, at any period after such expiration of original term, and the additional extension of the ten-year limitation designated by law for such bonds, the county commissioners of such county are hereby authorized to redeem such bonds in the manner provided by law for the redemption of county bonds, using for the payment thereof any unexpended balance or balances in any other county fund not otherwise appropriated.

Redemption of free turnpike road bonds.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
159 G.

[House Bill No. 47.]

AN ACT

To determine and mark township boundary lines.

Be it enacted by the General Assembly of the State of Ohio:

Section 3248-1. SECTION 1. The county commissioners and county surveyor shall determine and suitably mark the township boundary lines at all points where they intersect a public road when the point of said intersection is in dispute.

Marking township boundary lines.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
160 G.

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[House Bill No. 322.]

AN ACT

Providing a board to censor motion picture films and prescribing the duties and powers of the same.

Be it enacted by the General Assembly of the State of Ohio:

Section 871-46. SECTION 1. There is created under the authority and supervision of the industrial commission of Ohio a board of censors of motion picture films. Upon the taking effect of this act, the industrial commission shall appoint with the approval of the governor, three persons, one for one year, one for two years and one for three years, who shall constitute such board. Upon the expiration of the term of each member so appointed a successor shall be apopinted in like manner for a term of three years.

Board of censors of picture films.

Section 871-47. SECTION 2. The industrial commission shall furnish the board of censors with suitable office rooms and with sufficient equipment to properly carry out the provisions of this act. The board of censors may organize by electing one of its members as president. The secretary of the industrial commission shall act as secretary of the board. Each member of the board of censors shall receive an annual salary of one thousand five hundred dollars per year. Such salary and expenses shall in no case exceed the fees paid to the Ohio board of censors for examination and approval of motion picture films.

Office, organization, salary.

The members of the board shall be considered as em-

Assistants.

ployes of the industrial commission and shall be paid as other employes of such commission are paid. The industrial commission shall appoint such other assistants as may be necessary to carry on the work of the board.

Section 871-48.
Duties; fees.

SECTION 3. It shall be the duty of the board of censors to examine and censor as herein provided, all motion picture films to be publicly exhibited and displayed in the state of Ohio. Such films shall be submitted to the board before they shall be delivered to the exhibitor for exhibition. The board shall charge a fee of one ($1.00) dollar for each reel of film to be censored which does not exceed one thousand (1,000) lineal feet; for any reel of film exceeding one thousand (1,000) lineal feet, the sum of two ($2.00) dollars shall be charged. All moneys so received shall be paid each week into the state treasury to the credit of the general revenue fund.

Section 871-49.
Approved films.

SECTION 4. Only such films as are in the judgment and discretion of the board of censors of a moral, educational or amusing and harmless character shall be passed and approved by such board. They shall be stamped or designated in an appropriate manner and consecutively numbered. Before any motion picture film shall be publicly exhibited, there shall be projected upon the screen the words "Approved by the Ohio Board of Censors" and the number of the film.

Section 871-50.
Board may work in conjunction with others.

SECTION 5. The board of censors may work in conjunction with any censor board or boards of legal status of other states as a censor congress and the action of such congress in approving or rejecting films shall be considered as the action of the board and all films passed, approved, stamped and numbered by such congress, when the fees therefor have been paid to the Ohio board, shall be considered approved by such board.

Section 871-51.
When act shall take effect.

SECTION 6. Ninety days after this act shall take effect no films may be publicly shown or exhibited within the state of Ohio unless they have been passed and approved by the board or the censor congress and stamped and numbered by such board, or congress, as provided for herein.

Section 871-52.
Penalty.

SECTION 7. Any person, firm or corporation who shall publicly exhibit or show any motion picture within the state of Ohio unless it shall have been passed, approved and stamped by the Ohio board of censors or the congress of censors shall upon conviction thereof, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars, or imprisoned not less than thirty days nor more than one year, or both, for each offense.

Section 871-53.
Petition for hearing.

SECTION 8. Any person in interest being dissatisfied with any order of such board shall have the same rights and remedies as to filing a petition for hearing on the reasonableness and lawfulness of any order of such board or

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TIMOTHY S. HOGAN, *Attorney General.*

to set aside, vacate or amend any order of such board as is provided in the case of persons dissatisfied with the orders of the industrial commission.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
161 G.

[House Bill No. 184.]

AN ACT

To appropriate the sum of one thousand dollars for the use of Mrs. Louis S. Kuebler.

WHEREAS, Hon. Louis S. Kuebler, deceased, was a member of the 79th general assembly, having been elected as a member of said general assembly from Richland county, Ohio;

WHEREAS, He performed his duties faithfully and conscientiously during the session of said assembly in the year 1911, being present as a member up until the said 79th general assembly adjourned its said session;

WHEREAS, Said 79th general assembly held no other session during its existence other than the one held in 1911, in which said Louis S. Kuebler performed his duties as representative up until the time of adjournment, and

WHEREAS, Said Louis S. Kuebler died on the 4th day of October, 1911, and did not receive any of his salary for the year 1912; and no succesosr was elected to fill out his unexpired term; therefore:

Be it enacted by the General Assembly of the State of Ohio:

This act is temporary and special and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 1. That the sum of one thousand dollars be and the same hereby is appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, for the use of Mrs. Louis S. Kuebler, of Mansfield, Ohio. The auditor of state is hereby authorized and directed to issue to said Mrs. Louis S. Kuebler, upon the order of the speaker of the house of representatives of the 80th general assembly, a warrant on the treasurer of state for the sum herein appropriated.

Mrs. Louis S. Kuebler, appropriation for.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 10th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
162 L.

[House Bill No.467.]

AN ACT

To provide for dragging the public roads of the state.

Be it enacted by the General Assembly of the State of Ohio:

Section 7060-1. Dragging superintendent.

SECTION 1. The trustees of each township, shall at the first meeting in January of each year, designate one of their number who shall be known as dragging superintendent. He shall have the powers and perform the duties hereinafter set forth and shall receive as compensation for his services as dragging superintendent such sum as may be agreed upon by himself and the other township trustees. The amount so paid shall not exceed fifty dollars in any one year and shall be in addition to the compensation allowed him as township trustee.

Section 7060-2. Road dragging districts.

SECTION 2. The dragging superintendent shall divide the graveled or the unimproved public roads of the township into road dragging districts, which must include all mail routes and main traveled roads within the township which are graveled or unimproved, but he shall not put more than six miles of road in any one dragging district. He shall designate each dragging district by a separate number and shall file a description of said districts and the number of each with the township clerk who shall record the same in the records of the township trustees. He shall from time to time designate what districts shall be dragged. Suitable road drags shall be furnished by the township trustees, which shall be paid for out of the township road fund. The dragging superintendent shall adopt a suitable form of notice to be given each person contracted with to drag roads and shall provide return cards, which shall be substantially in the following form:

Form of notice.

"To ....., dragging superintendent for ..... township."

"I received your notice to drag district No. ..... on the ..... day of ....., 19...., and did on the ..... day of ....., 19...., comply with same and have charged said district ..... for said dragging.

"If not dragged, why not?

"(Signed) ....."

The township trustees shall provide a suitable book in which the dragging superintendent shall record the names of all persons who are entitled to compensation for dragging roads, said book to be known as the dragging record of the township, and shall be substantially in the following form:

Dragging record.

County of ....., state of Ohio.
Dragging district No. ....., township of.....

Dragged by Whom.	Date.	Date Notified.	Date of Return Card.	Amount Charged.	Amount Allowed.	Remarks.
.....	.....	.....	.....	.....	.....	.....

Dragging claims, how and when paid.

The dragging superintendent shall report all claims for dragging recorded therein that are in accordance with the provisions of this act, to the township trustees who shall, at their regular meetings in June and December of each year pay all claims for dragging that have the approval of the dragging superintendent and that are not inconsistent with this act, out of the funds of the township, the sum to be paid for such dragging not to exceed the sum of fifty cents per mile for each mile traveled while dragging the road. They shall not allow any claim for dragging unless a return card has been duly returned to the dragging superintendent, showing said work to have been done by his order and within twenty-four hours after the receipt of notice to perform such service. They shall, each year during the month of January, fix the price to be paid for dragging during that year.

Powers and duties of dragging superintendent.

Section 7060-3. SECTION 3. It shall be the duty of the dragging superintendent to keep the dragging records of the township, recording therein the names of all persons entitled to compensation for dragging, the date of such service, date of giving notice for such service, date of return card, the amount allowed for such service, but no person's name shall be recorded therein as being entitled to compensation for dragging, unless his return card has been filed with the dragging superintendent, showing said service as having been performed by order of such dragging superintendent and within the time required for such service. It shall be the duty of the dragging superintendent, to cause all roads to be dragged that the township trustees may from time to time direct, at such time as in his judgment is most beneficial. He shall cause the work to be done by giving the parties contracted with for the performance of such service such notice as he may deem sufficient; he shall, on or before the 15th day of February in each year, contract with one suitable person in each dragging district to drag the roads in that district for that year; but if no suitable person in the district will contract to drag the roads of the district, the dragging superintendent shall contract with any suitable person in the township. The dragging superintendent may at any time cancel such contract, or contracts, for dragging the roads, when the stipulations therein contained have not been properly complied with, or when the work is not done in a suitable manner.

Section 7060-4. SECTION 4. Any violation of any of the provisions of this act by the dragging superintendent, or any person or

persons, who may be required under contract to drag township roads, or neglect on the part of any township trustees to set aside the funds required by this act, shall, on conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars for the first offense, and, for each subsequent offense, shall be fined not less than twenty-five dollars.

Penalty.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
163 G.

[House Bill No. 558.]

AN ACT

Authorizing trustees of Meigs township, Adams county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Meigs township, Adams county, Ohio, be, and the same are hereby authorized to transfer eight hundred dollars from the general fund arising from taxation to the contingent fund of the board of education of Meigs township school district in said Adams county, Ohio.

Authority to transfer funds, Meigs township, Adams county.

This act is special and temporary and does not require sectional numbering in the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
164 L.

[House Bill No. 452.]

AN ACT

Providing for the arrest of paroled prisoners and the duties of all sheriffs, deputy sheriffs, chiefs of police, policemen or police officers in connection therewith.

Be it enacted by the General Assembly of the State of Ohio:

Section 13606-1.

SECTION 1. That when a prisoner is paroled or probated from the Ohio penitentiary or the Ohio state reformatory, and violates any of the conditions of his parole or release, it is hereby the duty of any sheriff, deputy sher-

Duty of certain officers when prisoner violates parole.

iff, chief of police, policeman or police officer, upon his knowing or being advised that such paroled convict is in his bailiwick and has violated the conditions of his parole or release, to forthwith arrest such person, and, if a prisoner from the penitentiary, report same to the Ohio board of administration, at Columbus, and if from the Ohio state reformatory, to the superintendent of the same, and for so doing no warrant or other authority shall be necessary.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. This act shall take effect and be in force from and after the earliest period provided by law.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 7th, 1913.
165 G.

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[Amended Senate Bill No. 36.]

AN ACT

To revise certain sections of the General Code, relative to the organization, jurisdiction and procedure of the supreme court, the court of appeals and other courts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 31, 113, 120, 195, 196, 339, 346, 634-2, 1406, 1466, 1467, 1468, 1469, 1470, 1475, 1483, 1486, 1487, 1488, 1496, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1541, 1576, 1637, 1668, 1684, 1687, 1688, 1690, 1692, 1693, 1695, 1707, 1709, 2251, 2253, 2833, 2855, 2869, 2916, 3029, 3030, 3695, 5015, 5054-1, 5094, 5105, 5125, 5129, 5130, 5137, 5138, 5141, 5143, 5145, 6164, 6165, 6166, 6167, 6394, 6400, 8901, 11427, 11514, 11529, 11631, 11650, 11658, 11709, 11746, 11877, 11878, 11879, 11894, 11994, 12086, 12162, 12223, 12224, 12225, 12226, 12227, 12232, 12235, 12236, 12237, 12238, 12239, 12240, 12247, 12248, 12249, 12250, 12251, 12252, 12257, 12265, 12272, 12273, 12275, 12278, 12284, 12311, 12326, 13562, 13751, 13757, of the General Code of Ohio be amended and section 11572 supplemented by the enactment of section 11572-1 to read as follows:

Official seals.

Sec. 31. All officials shall have engraved thereon the coat of arms of the state, as described in the preceding section.

The great seal of the state shall be two and one-half inches in diameter, and shall be surrounded by these words: "The great seal of the state of Ohio."

The seal of the supreme court shall be two and one-half inches in diameter, and shall be surrounded by these words: "The supreme court of the state of Ohio."

The seal of the court of appeals, of the common pleas court, and of the probate court of each county, shall each be one inch and three-fourths in diameter, and each, respectively, shall be surrounded by these words: "Court of Appeals ..... county, Ohio"; "Common pleas court, ... county, Ohio"; "Probate court, ..., Ohio." (Insert the name of the proper county.)

The seals of all other courts of record shall be of the same size as the seal of the common pleas court, and each, respectively, shall be surrounded by the proper name thereof.

The seal of the secretary of state shall be two inches and one-fourth in diameter and shall be surrounded by these words: "The seal of the secretary of state of Ohio."

The seal of the auditor of state shall be one inch and three-fourths in diameter, and shall be surrounded by these words: "The seal of the auditor of state of Ohio."

The seal of the treasurer of state shall be one inch and three-fourths in diameter, and shall be surrounded by these words: "The seal of the treasurer of state of Ohio."

The seal of the superintendent of banks shall be one and three-fourths inches in diameter, shall have engraved thereon the coat of arms of the state, and shall be surrounded by the words: "The superintendent of banks of the state of Ohio."

The seal of each benevolent institution shall be one inch and three-fourths in diameter, and shall be surrounded by the proper name thereof.

The seals of all other state, county and municipal officers shall be one inch and three-fourths in diameter, and shall be surrounded by the proper name of the office.

The seal of a notary public shall not be less than one inch and one-fourth in diameter, and shall be surrounded by these words: "Notarial seal, ... county, Ohio." (Insert the name of the proper county.)

All the seals mentioned in this section shall contain the words and devices mentioned herein, and no other.

Warrant for arrest when demand is granted.

Sec. 113. If the governor decide to comply with the demand for the surrender of a person charged with an offense committed in another state or territory, he shall issue a warrant to the sheriff of the county in which the person so charged may be found, commanding him forthwith to arrest and bring such person before a judge of the supreme court, of the court of appeals, or of the common pleas court, to be examined on the charge.

Certificate of qualifications required.

Sec. 120. Before the appointment is made, the applicant shall produce to the governor a certificate from a judge of the common pleas court, court of appeals, or supreme court, that he is of good moral character, a citizen of the

county in which he resides, and possessed of sufficient qualifications and ability to discharge the duties of the office of notary public. No judge shall issue such certificate until he is satisfied from his personal knowledge that the applicant possesses the qualifications necessary to a proper discharge of the duties of the office, or until the applicant has passed an examination under such rules and regulations as the judge may prescribe.

Secretary of state shall furnish certain seals.

Sec. 195. The great seal of the state, the seals of the supreme court, court of appeals, and the common pleas courts, and the seals of all state officers required by law to use a seal, with presses therefor, shall be procured and furnished by the secretary of state, and the expense thereof shall be paid out of the appropriations for stationery.

Shall publish table of court terms.

Sec. 196. Each year the secretary of state shall prepare, print and distribute a table, showing the time fixed by the judge for holding the terms of the courts of appeals and the common pleas courts; which table, corrected to correspond with any changes made therein by the judges or the general assembly shall be published in his annual report and in the volume of the statutes at the close of each session of the general assembly.

Procedings in quo warranto.

Sec. 339. The attorney general may prosecute a proceeding in quo warranto in the supreme court of the state, the court of appeals of Franklin county or the court of appeals of any county wherein a defendant company has a place of business, or the officer or officers, person or persons, made defendants, reside or may be found.

Writs in other counties.

Sec. 346. In all cases instituted by the attorney general under the provisions of this chapter, the writ may be sent by mail to the sheriff of any county, and returned by him in like manner. For such service, the sheriff shall be allowed the same mileage and fees as if the writ had been issued from the common pleas court or the court of appeals of his county, and made returnable thereto.

Superintendent to take charge of property in certain cases.

Sec. 634-2. Whenever any such corporation (a) is insolvent; or (b) has refused to submit its books, papers, accounts or affairs to the reasonable inspection of the superintendent of insurance of this state, or his deputy or examiner; or (c) has neglected or refused to observe an order of the superintendent to make good within the time prescribed by law any deficiency, whenever its capital, if it be a stock corporation, or its reserve, if it be a mutual corporation, shall have become impaired to the extent of twenty per cent.; or (d) has, by contract or reinsurance or otherwise, transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other corporation, association, society or order, without having first obtained the written approval of the superintendent; or (e) is found, by the superintendent of insurance to be in such condition that its further transaction of business will be

hazardous to its policy holders, or to its creditors, or to the public; or (f) has willfully violated its charter or any law of the state; or (g) whenever any officer thereof has refused to be examined under oath by the superintendent of insurance touching its affairs, the superintendent may, the attorney general representing him, apply to the supreme court or any judge thereof or to the court of appeals of Franklin county or to the court of appeals of the county in which the principal office of such corporation is located for an order directing such corporation to show cause why the superintendent should not take possession of its property and conduct its business, and for such other relief as the nature of the case and the interests of its policy holders, creditors, stockholders or the public may require.

Attorney general to represent superintendent.

Error; how prosecuted.

Sec. 1406. A petition in error to the court of common pleas, court of appeals or supreme court may be prosecuted by the officer or person filing the complaint, or by the owner or user of the property seized, to review the judgment and order of the court in forfeiting the property or in ordering its release. Such petition shall be governed by the provisions governing petitions in error in felony cases tried in the court of common pleas.

Judges of supreme court.

Sec. 1466. The supreme court shall consist of a chief justice and six judges.

Chief justice, election, term.

Sec. 1467. A chief justice shall be elected every six years, beginning in 1914, to hold his office for a term of six years commencing on the first day of January next after his election. Until a chief justice is so elected and qualified, the governor shall appoint a chief justice. Vacancies occurring in the office of chief justice of the supreme court, shall be filled in the manner prescribed for the filling of vacancies in the office of judge of the supreme court.

Election of judges.

Sec. 1468. Two judges shall be chosen in each even numbered year. Each judge shall hold his office for a term of six years, commencing on the first day of January next after his election.

Chief justice may assign judge from another county.

Sec. 1469. The chief justice shall preside at all terms of the supreme court. When he receives satisfactory information that an unusual amount of business has accumulated in the common pleas court of any county, he may assign a judge or judges from another county in the state to aid in disposing of such business.

Presiding judge in absence of chief justice.

In case of the absence or disability of the chief justice, the elder of the two judges having the shortest time to serve, and not holding office by appointment to fill a vacancy, shall preside and perform the duties of chief justice.

Regular term of court.

Sec. 1470. The chief justice and the judges of the supreme court shall meet at the seat of government on the first Tuesday after the first Monday of January of each year to hold a term of court.

Order in which cases to be docketed and heard.

Sec. 1475. Cases brought in or taken to the supreme court must be entered on the docket in the order in which they are commenced, received or filed. They shall be taken

up and disposed of in the same order, except that the court may take up and dispose of the following classes of cases in advance of their order on the docket:

Proceedings in quo warranto, mandamus, procedendo, prohibition, or habeas corpus;

Cases in which the person seeking relief has been convicted of felony;

Cases involving the validity of a tax levy or assessment;

Cases involving the construction or constitutionality of a statute, or a question of practice, in which the questions arising are of general public interest;

Cases of general interest to the public if two or more of the courts of appeals of the state have held the law directly opposite upon like facts;

Cases in which the relief sought is damages for personal injury or for death caused by negligence, and the person injured makes affidavit, or in case of death, the widow or any of the next of kin of the deceased, makes affidavit, that they are dependent for their livelihood upon their daily labor;

Cases in which a trust fund for the care, support or education of a minor, or care or support of an imbecile person, is in question;

Cases involving controversies or questions arising in the administration of the estate of a deceased person under the laws of this state;

Cases involving the construction of a statute for the annexation of territory to a municipal corporation.

Duties of supreme court reporter; assistants.

Sec. 1483. When requested by the supreme court, the reporter shall attend its sessions and consultations and under its direction he shall report and prepare its decisions for publication. He shall also prepare for publication and edit, tabulate and index such opinions and decisions of any court of appeals as any such court may designate and furnish him for publication, and such opinions and decisions of any of the inferior courts of the state, as may be designated by him and approved by the chief justice of the supreme court.

Such official reporter may, with the approval and consent of the supreme court, appoint such assistant or assistants as may be necessary to carry on the work of his office, whose compensation shall not exceed two thousand dollars a year for each person so employed, to be paid out of the state treasury upon the warrant of the state auditor.

Report of decisions to be delivered to supervisor of public printing.

Sec. 1485. Immediately after the decision of a case by the supreme court and of all other cases which are to be reported, the reporter shall prepare a report thereof under the supervision of the court or judge by whom it was rendered. If practicable, he may incorporate in the report the points made and authorities cited by counsel in briefs, but their arguments shall not be published unless the court so orders. Thereupon the reporter shall deliver the report in manuscript to the state supervisor of public printing.

Reporter shall edit and index cases disposed of on docket.

Sec. 1486. The reporter shall edit, tabulate, index and publish all cases disposed of on the general docket of the supreme court, except cases dismissed for want of preparation, failure to file printed record or by consent of parties. He shall state therein the number and style of each case, character of suits, the court of appeals from which error is prosecuted, the attorneys of the parties, and the judgment of the court, together with the reasons therefor.

Reports of decisions to be bound.

Sec. 1487. The reports of the supreme court, of the courts of appeals and of inferior courts shall be printed on such paper and style of type as the supreme court directs, and bound in volumes in such manner and of such size as it prescribes. Each volume of the supreme court reports, reports of the court of appeals and of the inferior courts shall be issued at such time and cover such period of work as the supreme court orders. All reports shall contain an index, table of cases, list of citations, and other proper tabulation. The reporter shall secure a copyright for the use of the state for each volume of reports so published.

Contract for printing and binding reports; how and by whom made.

Sec. 1488. With the approval and under the direction of the supreme court, the commissioners of public printing shall for and in behalf of the state of Ohio, enter into a contract with a responsible person, firm or corporation, doing business in the state of Ohio to furnish materials, print and bind the reports of the supreme court, the court of appeals and of such of the inferior courts of the state as are designated by the reporter, with the approval of the chief justice of the supreme court.

Before entering into a contract for the publication of such reports, the commissioners of public printing shall give notice for two weeks in three different newspapers of general circulation throughout the state, that at a certain time and place sealed proposals will be received by them for printing, publishing and selling the volumes of the supreme court, the court of appeals and of the inferior courts of the state as provided in this chapter, at a price not to exceed one dollar and fifty cents per volume, stating in such notice the conditions and requirements prescribed by the supreme court.

Each proposal shall be accompanied by a good and sufficient bond of not less than five thousand dollars, conditioned that said bidder will not fail or refuse to enter into contract in accordance with the advertised proposal, in case his bill is accepted.

The commissioners of public printing shall open the bids on the day named and enter into contract for the purposes mentioned herein, with the person, firm or corporation which shall submit the lowest and best bid per volume of such reports, complying with all the requirements prescribed by the supreme court.

No such contract shall be for a period of greater than two years. So far as the state can confer it, the contractor

shall have the exclusive right to publish such reports during the term of the contract.

The original stereotyped plates from which said reports are printed shall be at all times the property of this state subject to the right of such contractor to use the same during the term of such contract.

Bond of contractor.

Sec. 1489. The contractor for publishing the reports shall give a bond to the state in the sum of twenty thousand dollars, with such sureties as the court requires, conditioned for the faithful performance of his contract within the time and in the manner provided by law and the order of the court. Such bond shall be deposited with the secretary of state and kept in his office.

Appointment of stenographers.

Sec. 1496. The supreme court shall appoint such stenographers as it may determine to be necessary in the prompt and efficient discharge of the business of said court, and shall fix the compensation to be paid therefor, which compensation shall be paid from the state treasury in monthly installments upon the certificate of the chief justice.

The court of appeals; term of judges; jurisdiction.

Sec. 1514. The court of appeals shall consist of three judges in each district, one of whom shall be chosen every two years, and shall hold his office for six years, beginning on the ninth day of February next after his election. In addition to the original jurisdiction conferred upon it by section six of article four of the constitution, the court on good cause shown, may issue writs of supersedeas in any case, and all other writs not specially provided for, nor prohibited by statute, which may be necessary to enforce the due administration of justice.

Absence of judges of court of appeals.

Sec. 1515. A majority of the judges of the court of appeals, competent to sit, shall be necessary to form a quorum, or to make or render any order, judgment, or decree. No judge shall absent himself from a term of court in his district or to which he has been assigned, except on account of sickness or other good cause. In the event of the absence of a judge for any such cause, the judges present shall not proceed to the transaction of business until such cause of absence is determined by them and entered on the journal.

Presiding judge.

Sec. 1516. The judge in each district having the shortest time to serve, and not holding his office by appointment to fill a vacancy, shall preside. In case of his absence the judge having in like manner the next shortest time to serve shall preside.

Number of terms in each county.

Sec. 1517. Two terms of the court of appeals shall be held in each county in each year and such other terms at a county seat in the district as the judges of such district may determine upon. Whenever it may be deemed necessary, a cause may be reserved for consideration and decision in another county, and the court from any other county of the district may certify its decision to the proper county and make all necessary orders as to session and adjournment of the court. When business so requires, the

court may continue a term in a county beyond the time allotted to such county.

Annual meeting; chief justice; times of holding courts.

Sec. 1518. On the third Tuesday in September in each year, the judges of the court of appeals shall meet in the supreme court room in the city of Columbus, and organize by choosing one of their number chief justice and one of their number secretary for the next judicial year, which shall commence on the first day of January. Such judges shall then, but not later than October first, issue an order to the clerk of the court of appeals in each county of their respective districts, fixing the time of commencement of each term of the court of appeals in each county in each district for the next judicial year, and deliver a copy thereof to the secretary of state. Such order may thereafter be changed by the judges in any district when the business thereof requires it, and until such changes have been made, the terms in each county shall be held at the times fixed by the judges, annually, in general convention. The present chief justice chosen by the judges of the circuit court shall act as chief justice of the court of appeals until the chief justice of the court of appeals is chosen as herein provided.

Sec. 1519. Upon receipt of such order signed by the judges of his district, the clerk of the court of appeals shall immediately enter it on the journal of the court of appeals of his county, which entry shall be sufficient evidence as to the legal terms for holding the courts as therein ordered.

Publication of order.

The clerk shall cause a copy of the order to be published in one or more newspapers of general circulation in such county, once a week on the same day of the week, for three consecutive weeks.

Official stenographers.

Sec. 1520. Each court of appeals may appoint one or more official stenographers. They shall take an oath of office, serve at the pleasure of the court, perform such duties as the court directs, and have such powers as are vested in official stenographers of the common pleas court.

Compensation.

Sec. 1521. The compensation of such stenographer shall be fixed by the court and be payable from the state treasury upon the certificate of the presiding judge of the district in which he serves. The total compensation paid to stenographers in any district in a year shall not exceed the sum of eighteen hundred dollars. Such stenographers shall also receive their actual expenses for traveling when attending court in any county other than that in which they reside, to be paid in like manner; and in no event shall such expense exceed three hundred dollars in a year.

Rules of practice of the court of appeals.

Sec. 1522. The judges of the courts of appeals of the state, or a majority of such judges, may make and publish such uniform rules of practice for all the districts, as are not in conflict with statute or the rules of the supreme court.

Order of cases on the docket and of disposition.

Sec. 1523. Cases in the court of appeals shall be entered on the docket in the order in which they are commenced, received or filed. They shall be taken up and disposed of in the same order, unless for good cause shown the

court otherwise direct, but the court may dispose of the following cases in advance of their assignment or order on the docket:

Proceedings in quo warranto, mandamus, habeas corpus, prohibition, or procedendo;

Cases in which the person seeking relief is imprisoned or has been convicted of a felony;

Cases involving the validity of a tax levied or assessment made, or the power to make such levy or assessment;

Cases involving the construction or constitutionality of a statute or a question of practice, in which the questions arising are of general public interest;

Cases in which the relief sought is damages for personal injury, or for death caused by negligence, and the person injured makes affidavit that he is, or in case of death, the widow, or any next of kin of the deceased, makes an affidavit that they are dependent for their livelihood upon their daily labor. When a case is dismissed or otherwise disposed of, and again comes into court, it shall be disposed of as if it had retained its original place on the docket.

Court may hear and determine actions outside of county.

Sec. 1524. When the court of appeals is not held in a county at the time prescribed by law, the court may hear and determine an action pending therein, in another county of the district, as is usual in cases taken under advisement, and certify its action back to the proper county for entry and record as of that term.

Failure to hold a term in a county.

Sec. 1525. If there is a failure to hold a prescribed term of the court of appeals in a county, and the business of the county so requires, the judges of the court of appeals shall appoint and hold a term therein, at as early a period thereafter as is practicable. The clerk of the court of appeals shall cause not less than ten days' previous notice of the holding of such special term to be published in one or more newspapers having a general circulation in such county.

Transfer of disqualified judge.

Sec. 1526. When a judge of the court of appeals is interested in a cause or matter pending in the court of appeals, of a county of his district, or is related to or has a bias or prejudice for or against a party thereto, or sat in the lower court in the same cause or matter, or is otherwise disqualified to sit in such cause or matter, on request made by such judge, to the chief justice of the court of appeals, or in case of his death, absence or disability, to the secretary of the court of appeals, the judge shall be transferred for the time being by such chief justice, as in case of his death, absence or disability, by the secretary of the court of appeals, to another district in exchange for a judge of the court of appeals who is qualified to sit in the trial or hearing of such cause or matter.

Affidavit of disqualification.

Sec. 1527. On the filing of an affidavit of a party to such cause or matter or of his or her counsel, setting forth the fact of such interest, bias, prejudice, or disqualification, the clerk of the court of appeals wherein such cause is

pending shall forthwith enter the fact of the filing of such affidavit on the trial docket of such court, and forthwith notify the chief justice of the supreme court, who shall hear and determine the fact of such disqualification and if found to be disqualified shall forthwith make an order transferring, for the time being, the judge named in such affidavit to another district in exchange for a judge of such other district who is qualified to sit in the trial or hearing of such cause or matter, and designate and appoint such judge from such other district to take the place of the judge so disqualified, in the hearing of any such cause or matter where the same is pending. The order therefor shall be entered upon the journal of such court and the judge designated to take the place of the judge disqualified shall proceed to perform the duties so assigned him. The judge disqualified shall not sit in the trial or hearing of such cause or matter.

Assignment of judge or judges.

Sec. 1528. Upon request of the presiding judge of a district to the chief justice of the court of appeals, to assign a judge, or judges of the court of appeals to hold court with the judge or judges of such district or to assign judges to hold an additional court in such district, the chief justice of the court of appeals, upon being satisfied that the business of such district requires it, shall assign such judge or judges of the court of appeals, as in his opinion can be so assigned without impairing the business of the district of which he is a resident, to hold court in such district.

Expense of judge so assigned.

Sec. 1529. A judge so assigned, shall be paid five dollars a day for expenses for each day he shall perform such judicial duties, including the time necessarily devoted to going to and returning from such assignment and to the examination and decision of cases heard by him while he is so engaged outside of the district for which he was elected. Such expenses shall be paid from the state treasury upon the warrant of the auditor of state, issued upon the certificate of the chief justice of the court of appeals, or the judge making the assignment.

Process from the court of appeals; room for holding court.

Sec. 1530. Process issuing out of the court of appeals shall be directed to the sheriff or other proper officer of the county where it is to be executed, who shall serve and return it according to the command thereof. Such sheriff or other officer shall receive the same fees therefor as such officers are entitled to receive for like services in the common pleas court. He shall attend upon the court of appeals during its term in his county. The county commissioners must provide a room for the holding of the court of appeals and a consultation room for the judges, cause such rooms to be properly furnished, heated, ventilated, lighted, kept clean and in good order, and provide such other conveniences as the court deems necessary.

Stationery, reports, etc., county to pay expense.

Sec. 1531. Upon the written requisition of the courts of appeals, the clerks thereof shall provide them with necessary stationery, and furnish for their use reports of the de-

cisions of the courts of this state, with latest edition of the annotated General Code, digests and such other law books as the court may require, which books shall be the property of the county. Expense so incurred by the clerk shall be paid from the county treasury on the warrant of the county auditor. The performance of such duties by the sheriff, clerk and county commissioners, respectively, may be enforced by the court.

Appointments by judge of common pleas court.

Sec. 1541. The judge of the court of common pleas of a county, or the judges of such court in a county in joint session, if they deem it advisable, may appoint either or all of the following:

Interpreter.

First: A court interpreter, who shall take an oath of office, hold his position at the will of such judge or judges, and under the direction of the court, or any judge thereof, shall interpret the testimony of witnesses, translate any writing necessary to be translated in court, or in a cause therein, and perform such other services as are required by the court or a judge thereof. The interpreter shall, without extra compensation render such service also in the court of appeals, superior court, probate court, and court of insolvency, as the judge or judges of those courts may require. He shall receive for his services a compensation fixed by the judge or judges appointing him, not to exceed twelve hundred dollars in any year, or such sum in each particular case, as the court, deems just. If a stipulated salary, such compensation shall be payable monthly from the county treasury, upon the warrant of the county auditor, and in other cases, at the conclusion of his services, upon the certificate of the judge or judges of the court in which they were rendered.

Criminal bailiff.

Second: A criminal bailiff, who shall be a deputy sheriff and hold his position during the pleasure of the judge or judges of such court. He shall receive compensation to be fixed by such judge or judges at the time of his appointment not to exceed the amount permitted by law to be allowed court constables in the same court, which shall be paid monthly from the county treasury upon the warrant of the county auditor.

Laws applicable; general jurisdiction.

Sec. 1576. In the actions enumerated, all laws conferring jurisdiction upon common pleas courts or courts of appeals giving them power to hear and determine such causes, and to preserve order and punish contempt, regulating their practice and forms of process, prescribing the force and effect of their judgments, orders, or decrees, and authorizing or directing the execution thereof, shall be held to extend to the superior court of Cincinnati as fully as they extend to the common pleas court, unless inconsistent with this chapter or plainly inapplicable. The superior court of Cincinnati, in respect to the form and manner of all pleadings therein, and the force and effect of its judgments, orders, or decrees, is a court of general jurisdiction.

Jurisdiction of insolvency courts.

Sec. 1637. In addition to the jurisdiction now vested therein, courts of insolvency shall have jurisdiction, con-

current with that now or which may hereafter be vested in the court of common pleas of such counties, in the following matters:

1. Allowing and issuing writs of habeas corpus and determining the validity of detention of the persons brought before it on such writs;

2. Actions in which a receiver may be appointed under section 11894;

3. Action for the dissolution of corporations;

4. Actions to enjoin the illegal levy of taxes and assessments, or the collection of either, and to recover such taxes or assessments collected;

5. Actions in replevin brought by or against an assignee for the benefit of creditors, or for the recovery of assets assigned to an assignee for the benefit of creditors, actions to enforce the allowance of claims which have been disallowed by an assignee for the benefit of creditors, actions to declare void all acts intended to hinder, delay or defraud creditors, and actions to set aside assignments for the benefit of creditors;

6. Actions to dissolve co-partnerships, settle co-partnership accounts or compel accounting in co-partnership transactions;

7. Actions between claimants to property or money paid into court in appropriation proceedings;

8. Actions and proceedings in aid of executions;

9. Actions to compel the specific performance of a contract for the sale of real estate, actions by municipal corporations to recover judgments against owners of property for unpaid assessments for street improvements, or to enforce the lien of such assessments, proceedings under the municipal code to assess damages on claims filed by owners of property, actions by owners of property against municipal corporations for damages resulting from the establishment, or change, of the grade of streets, and actions for divorce and alimony;

10. Appeals may be taken to the court of appeals from orders, decrees and judgments, in such cases, and error may be prosecuted in the court of appeals, in the manner and to the extent provided in such cases respectively when pending in the court of common pleas. All laws giving authority to issue injunctions and regulating the practice in the common pleas court in such cases prescribing the form and effect of its orders, decrees and judgments, and authorizing and directing the execution thereof shall be held to extend to the courts of insolvency.

Error proceedings.

Sec. 1668. The provisions of law relating to error proceedings from the court of common pleas, including the allowance and signing of bills of exceptions shall apply to prosecutions of persons over seventeen years of age under this chapter, and from the judgment of the judge in such prosecutions error may be prosecuted to the court of ap-

peals of the county under laws governing prosecutions of proceedings in error in other criminal cases, to such court of appeals.

Supreme or courts of appeals may remand its judgments or decrees, etc.

Sec. 1684. The supreme court or the court of appeals may remand its final decrees, judgments, or orders, in cases brought before it on error or appeal, to the court below, for specific or general execution thereof, or to the inferior courts for further proceedings therein.

Change of venue in common pleas court and superior court of Cincinnati; when.

Sec. 1687. When a judge of the common pleas court or of the superior court of Cincinnati is interested in a cause or matter pending before the court in a county of his district, or is related to, or has a bias or prejudice, either for or against, a party to such matter or cause, or to his counsel or is otherwise disqualified to sit in such cause or matter, on the filing of an affidavit of any party to such cause or matter, or of the counsel of any party, setting forth the fact of such interest, bias, prejudice or disqualification, the clerk of the court shall enter the fact of the filing of such affidavit on the trial docket in such cause and forthwith notify the chief justice of the supreme court, who shall designate and assign some other judge to take his place. Thereupon the judge so assigned shall proceed and try such matter or cause. The affidavit herein referred to shall be filed not less than three days prior to the time set for the hearing in such matter or cause.

Removal of residence of judge.

Sec. 1688. If a judge of the supreme court removes his residence from this state, or a judge of the court of appeals from his district, or of the common pleas court, or of a superior court from his county, he shall be deemed to have resigned and vacated his office. Thereupon such vacancy shall be filled according to law.

Where commission to be sent.

Sec. 1690. Each commission issued by the governor to a judge of the court of appeals, a judge of the common pleas court, or a judge of a superior court of any county or city, shall be transmitted by the secretary of state to the clerk of the common pleas court of the county wherein such judge resides. Such clerk shall receive and forthwith transmit it to the person entitled thereto. Within twenty days after he has received such commission, such person shall take the oath required by the constitution and statutes of this state and transmit a certificate thereof to such clerk, signed by the officer administering such oath.

Court constables; appointment and dutes.

Sec. 1692. When, in the opinion of the court, the business thereof so requires, each court of common pleas, court of appeals, superior court, insolvency court, in each county of the state, and, in counties having at the last or any future federal census more than seventy thousand inhabitants, the probate court may appoint one or more constables to preserve order, attend the assignment of cases in counties where more than two common pleas judges regularly hold court at the same time, and discharge such other duties as the court requires. When so directed by the court, each constable shall have the same powers as sheriffs to call and impanel jurors, except in capital cases.

Compensation of court constables.

Sec. 1693. Each constable shall receive the compensation fixed by the judge or judges of the court making the appointment. In counties where four or more judges regularly hold court, such compensation shall not exceed twelve hundred and fifty dollars each year, in counties where more than one judge and not more than three judges hold court at the same time, not to exceed one thousand dollars per year, and in counties where only one judge holds court, two and one-half dollars each day, and shall be paid monthly from the county treasury on the order of the court. Such court constable or constables may, when placed by the court in charge of the assignment of cases, be allowed further compensation not to exceed one thousand five hundred dollars, as the court by its order entered on the journal, determines.

Judges shall designate a daily journal.

Sec. 1695. In the counties of Hamilton, Cuyahoga, Franklin and Lucas, the judges of the courts of record, other than court of appeals, shall jointly designate a daily law journal published in the county, wherein shall be published all calendars of the courts of record in such county, which shall contain the numbers and titles of causes, and names of attorneys appearing therein, together with the motion dockets and such particulars and notices respecting causes, as may be specified by the judges, and each notice required to be published by any of such judges.

Suspension or removal of an attorney.

Sec. 1707. The supreme court, court of appeals or court of common pleas may suspend or remove an attorney at law from office, for misconduct in office, conviction of crime involving moral turpitude, or unprofessional conduct involving moral turpitude. Such suspension or removal shall operate as a suspension or removal in all the courts of the state. Judges of such courts are required to cause proceedings to be instituted against an attorney at law, when it comes to the knowledge of any such judge in whose court such attorney practices, that he is probably guilty of any of the causes of suspension or removal.

Review of proceedings.

Sec. 1709. In case of suspension or removal of an attorney at law by the common pleas court, an appeal may be had to the court of appeals, and the sentence of either the common pleas court or the court of appeals, may be reviewed on error in the supreme court. If such suspended or removed attorney at law shall desire a modification of the decree of suspension or removal, he shall file a written motion therefore in the court which entered such decree.

Annual salaries of chief justice and judges.

Sec. 2251. The annual salaries of the chief justice of the supreme court and of the judges herein named payable from the state treasury shall be as follows:

Chief justice of the supreme court, seven thousand dollars;

Judges of the supreme court, each, six thousand five hundred dollars;

Judges of the court of appeals, each, six thousand dollars. Judges of the common pleas and superior courts, each, three thousand dollars. Neither the chief justice of

the supreme court nor any judge of the supreme court or of the court of appeals, shall hold any other office of trust or profit under the authority of this state or the United States.

Sec. 2253. In addition to the annual salary and expenses provided in sections 1529, 2251 and 2252 each judge of the court of common pleas and of the court of appeals, shall receive his actual and necessary expenses, not exceeding three hundred dollars in any one year, incurred, while holding court in a county in which he does not reside, to be paid from the state treasury upon the warrant of the auditor of state, issued to the judge and upon presentation of a sworn itemized statement of such expenses.

Expenses of judges holding court outside the county of residence.

Sec. 2833. Each sheriff shall preserve the public peace and cause all persons guilty of breach thereof, within his knowledge or view, to enter into recognizance with sureties to keep the peace and to appear at the succeeding term of the common pleas court of the proper county and commit them to jail in case of refusal. He shall return a transcript of all his proceedings with the recognizance so taken to such court and shall execute all warrants, writs and other process to him directed by proper and lawful authority. He shall attend upon the common pleas court and the court of appeals during their sessions, and, when required, upon the probate court. In the execution of the duties required of him by law, the sheriff may call to his aid such person or persons or power of the county as may be necessary. Under the direction and control of the county commissioners, he shall have charge of the court house.

General powers and duties of the sheriff.

Sec. 2855. If the judge of the common pleas court, or a quorum of the judges of the court of appeals, fail to attend at the time and place appointed for holding the court, or if, after the calling of the court, the judge of the common pleas court or a quorum of the judges of the court of appeals be unable on account of sickness, or from any other cause, to attend the daily sessions thereof, the sheriff shall adjourn the court from day to day, until the judge of the common pleas court attends or a quorum of the court of appeals is convened, but if the judge or judges be not present within three days after the first day of the term, or if after the court is called, such judge or judges be unable, on account of sickness or from any other cause, to be present for ten days, the court shall stand adjourned for the term.

Adjournment of court on account of absence of judges.

Sec. 2869. The clerk of the court of common pleas in each county shall also be clerk of the court of appeals of such county.

Clerk of court of appeals.

Sec. 2916. The prosecuting attorney shall have power to inquire into the commission of crimes within the county and except when otherwise provided by law shall prosecute on behalf of the state all complaints, suits, and controversies in which the state is a party, and such other suits, matters and controversies as he is directed by law to prosecute within or without the county, in the probate court, common

Powers and duties of prosecuting attorney.

pleas court and court of appeals. In conjunction with the attorney general, he shall also prosecute cases in the supreme court arising in his county. In every case of conviction, he shall forthwith cause execution to be issued for the fine and costs, or costs only, as the case may be, and faithfully urge the collection until it is effected, or found to be impracticable, and forthwith pay to the county treasurer all moneys belonging to the state or county, which come into his possession as fines, forfeitures, costs or otherwise.

Costs to be taxed separately; collection of in court of appeals.

Sec. 3029. In transcripts given by justices of the peace the costs of each party shall be stated and set forth separately. In causes taken from the common pleas court to the court of appeals on error or appeal, the clerk of the common pleas court shall certify to the court of appeals the costs of each party separately. The clerk of the court of appeals in like manner shall certify in the mandate to the common pleas court, for execution, the costs in the court of appeals of each party separately. The costs of the losing party in the court of appeals, as well as the costs of the successful party shall be collected by process from the common pleas court in the manner prescribed in the preceding section, except as provided in the next section.

Costs on amendments, continuances or under special rule.

Sec. 3030. The costs, adjudged against either party on continuances, amendments or under a special rule may be collected at any time after judgment or order of court awarding such costs, by process, to be issued from the court wherein such judgment or order is made, in the form of execution prescribed, with the following alteration: After the asterisk, instead of the word "of," these words shall be inserted: "adjudged against the said..... on continuonce," or "amendment", or otherwise, as the case may be. If the special rule for payment of costs is in the court of appeals, the writ shall be so altered as to make it returnable to that court.

Review of proceedings.

Sec. 3695. The municipal corporation, or the owner of property, the value of which has been assessed, as herein provided, may prosecute error as in other civil actions, and error shall lie to the court of appeals from the judgments of the court, except that from the judgments of the probate court error shall lie to the court of common pleas. The trial court, upon proper terms, may suspend the execution of any order, but in all cases where the municipal corporation pays or deposits the compensation assessed, and gives adequate security for any further compensation and costs, the right to take and use the property condemned shall not be affected by such review.

Transmission of certified copies of certificates.

Sec. 5015. Immediately after the expiration of the time within which certificates of nominations and nominating petitions may be filed and within which objections thereto may be made, as provided in the preceding sections, they shall be certified as follows:

The state supervisor of elections shall certify the nominations so filed with him, together with a form of official

ballot therefor, to the several boards of deputy state supervisors of the counties of the state.

The chief deputy state supervisor of the district or subdivision with whom the certificates of district or subdivision nominations have been filed shall immediately certify such nominations to the boards of deputy state supervisors in each of the other counties in such district or subdivision.

The board of deputy state supervisors of the county containing the majority population of a municipality situated in two or more counties, shall immediately certify to the boards of deputy state supervisors of the other county or counties, copies of the certificates of nominations and nomination papers of such municipal officers or members of the board of education that have been filed with such board.

Election of judges.

Sec. 5054-1. The election of a chief justice of the supreme court, judges of the supreme court, judges of the court of appeals, judges of the courts of common pleas, judges of the probate courts, justices of the peace, and judges of all other courts which are or may be established by law, shall be governed and controlled by the general election laws of the state except as is otherwise provided by this act.

Opening returns; abstracts to be made.

Sec. 5094. Within five days after the election or sooner in case the returns are made, the board of deputy state supervisors of the county shall open the several returns made to them and make abstracts of the votes in the following manner:

1. Upon a single sheet, an abstract of votes for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state and attorney general.

2. Upon another sheet, an abstract of votes for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court, judge of the supreme court, and representatives in congress.

3. Upon another sheet an abstract of votes for governor, lieutenant governor, secretary of state, treasurer of state, attorney general, chief justice of the supreme court, judge of the supreme court, judge of the court of appeals, judge of the common pleas court, representatives to congress, senators and representatives to the general assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, and coroner.

4. And upon another sheet, an abstract of votes of each elector of president and vice president of the United States.

5. Upon another sheet an abstract of the votes for United States senator and the state supervisor of elections shall transmit duplicate copies of the vote for the candidates for United States senator to the general assembly at

its next ensuing session; one of which copies shall be addressed to the senate and one to the house of representatives of the state of Ohio; one copy of which shall be delivered by him to the president of the senate, and the other to the speaker of the house of representatives, after the organization of such bodies which presiding officers shall open and lay the same before the separate bodies when assembled to elect a United States senator as now required by the laws of congress, and it shall be the duty of each house to count the votes and announce the candidate for United States senator receiving the highest number of votes, and thereupon the general assembly shall proceed to the election of a United States senator as required by the act of congress and the constitution of the state of Ohio.

Abstracts and certificates in judicial or senatorial districts.

Sec. 5105. When two or more counties are joined in a judicial or senatorial district, the board of deputy state supervisors of each county of such district having a population not the largest, shall make, and, within eight days after the day of election, transmit by mail to the board of deputy state supervisors of the county in the district having the largest population, an abstract showing the number of votes given in each election precinct in such county, for each person who receives votes for an office to be filled by the district. Such abstract shall be attested by the board and enclosed in an envelope so endorsed as to show distinctly that it is an abstract of votes, for what offices and from what county. It shall be opened and canvassed as herein provided for state offices, by the board of deputy state supervisors to whom transmitted, who shall incorporate such vote in an abstract with the returns from the precincts of their county for such offices. Such board shall make and transmit to the persons elected certificates of their election.

Commission to hear contest.

Sec. 5125. Upon the filing of a copy of such notice with the governor, he shall within five days appoint four judges of the court of appeals, not more than two of whom shall be of the same political party, or so reputed to be, who, with the governor, shall be a commission to hear and determine such contest. He shall appoint the time of such hearing, which shall be within ten days, and give such judges notice thereof. Thereupon a certified copy of the notice filed with the governor by the contestor, and notice in writing to the contestee or contestees of the time so appointed for the hearing, requiring him or them to attend in the hall of the supreme court at Columbus at such time, and answer the contest, shall be issued by the secretary of state to the sheriff of Franklin county, or if he is disqualified, to the coroner thereof. Such certified copy and notice in writing shall be served by the sheriff or coroner upon such contestee or contestees in any county, and return thereof made to the secretary of state, as upon summons in civil action. The secretary of state shall act as secretary of the commission and discharge such duties as it directs.

Contest of election of state officers and supreme and court of appeals judges.

Sec. 5129. The supreme court shall have exclusive jurisdiction of the contest of elections of state officers, chief justice of the supreme court, supreme court judges and of judges of the court of appeals. If either party to the contest is chief justice or a member of the supreme court, he shall not sit in the determination of his contest, nor in the making of any order preliminary or incident thereto, nor shall he sit in the determination of the contest nor upon any question preliminary or incident thereto of the election of any candidate voted for at the same election in which he was a candidate for the office of chief justice or judge of the supreme court which is being contested, if his election is also contested.

Who may contest such election.

Sec. 5130. Any elector having a right to vote for any candidate for state officer, chief justice or judge of the supreme court or judge of the court of appeals, by taking an appeal from the finding and decision of the canvassing board which finds and declares the result of the election of such state officer or judge, to the supreme court of the state, may contest the election of such state officer or judge.

Contest of election of common pleas and superior court judges.

Sec. 5137. The court of appeals shall have exclusive original jurisdiction of the contest of election of common pleas and superior court judges. The contest shall be had in the county in which the contestee resides. Any elector of the city, county or subdivision may contest the election of any such judge by taking an appeal from the finding and decision of the canvassing board which finds and declares the result of the election of such judge to the court of appeals of the county in which the contestee resides.

How appeal shall be taken.

Sec. 5138. Such appeal shall be taken and filed in the court of appeals within ten days from the declaration of the results by the canvassing board. The appeal shall be in the form of petition, addressed to the court, in which shall be set forth in brief and plain terms that such appeal is taken, by whom and upon what grounds the election is contested. Notice of the appeal, together with a copy of the petition, shall be served upon the contestee in the same manner that summons in civil action may be served, within five days from the time of filing the appeal.

Taking and filing testimony.

Sec. 5141. The contestor shall take and file all his testimony by deposition within twenty days from the time that his reply to the answer should be filed, unless, upon notice to the contestee, further time is given by the court of appeals, or a judge thereof. The contestee shall take and file all his testimony by deposition within twenty days from the expiration of the contestor's time, unless, upon notice to the contestor, further time is granted by the court or a judge thereof. Witnesses may be compelled to attend and be examined orally in open court, as in civil cases.

Hearing of contest; petition in error.

Sec. 5143. The court shall hear and determine the contest without the intervention of a jury. In the conduct of the case, exceptions may be taken by either party as in civil actions, and the supreme court shall in a summary manner hear and determine all errors alleged by either party,

to be presented by petition in error as in civil actions. The court of appeals and supreme court may render such judgments and make such orders as the law and the facts warrant, including judgment of ouster and induction, and the judgment of the supreme court shall be decisive of the contest.

Limitation for filing petitions in error.

Sec. 5145. After the expiration of twenty days from the rendition and entry on the journal of the final judgment of the court of appeals neither party shall have the right to file a petition in error in the supreme court for review of the court of appeals.

Proceedings in error.

Sec. 6164. A qualified elector of a residence district of a municipal corporation, wherein a petition has been presented and held sufficient by a mayor or judge as provided in this subdivision of this chapter, may prosecute error from such finding by first filing a motion for leave to file a petition in error with the court of appeals of the county in which such residence district is situated. Such motion shall not be granted unless for good cause shown. If such motion is granted, a petition in error shall be filed within fifteen days after the finding or decision of the mayor or judge setting forth the errors complained of.

Action of court of appeals.

Sec. 6165. The court of appeals upon the filing of such petition, shall forthwith issue a summons addressed to the mayor of such municipal corporation notifying him of the filing of the petition in error and directing him to appear in such court on behalf of such residence district at the time mentioned in such summons. Such time shall not be more than thirty days after the finding or decision of such mayor or judge nor less than ten days after the filing of the petition. The court of appeals shall have final jurisdiction to hear and determine the merits of the proceedings and there shall be no appeal or error proceedings allowed from such decision.

Security for costs.

Sec. 6166. The court of appeals shall require the person prosecuting error from the finding or decision of the mayor or judge, as provided in the next two preceding sections, to furnish security for costs before such petition is filed.

Elector may prosecute.

Sec. 6167. A qualified elector in such residence district may appear in person or by attorney at such hearing before the court of appeals or on such motion for leave to file a petition in error in defense of the validity of the proceedings before the mayor or judge taking action upon such petition.

Foreign corporations must comply with anti-trust acts.

Sec. 6394. A foreign corporation or foreign association exercising any of the powers, franchises or functions of a corporation in this state, violating any provision of this chapter shall not have the right, of and shall be prohibited from, doing any business in this state. The attorney general shall enforce this provision by proceedings in quo warranto in the supreme court, or the court of appeals of the county in which the defendant resides or does busi-

ness, or by injunction or otherwise. The secretary of state shall revoke the certificate of such corporation or association theretofore authorized by him to do business in this state.

Revocation of certificate.

Sec. 6400. The several courts of common pleas in the state are hereby invested with jurisdiction to restrain and enjoin violators of this chapter. For a violation of any provision of this chapter by a corporation or association mentioned herein, the attorney general, or the prosecuting attorney of the proper county, shall institute proper proceedings in a court of competent jurisdiction in any county in the state where such corporation or association exists, does business or has a domicile. When such suit is instituted by the attorney general in quo warranto, he may begin the same in the supreme court of the state, or the court of appeals of Franklin county. When such suit is instituted by the attorney general to restrain and enjoin a violation of any provision of this chapter, he may begin the same in the court of common pleas of Franklin county. Such proceedings to restrain and enjoin such violation, or violations, shall be by way of petition setting forth the case, and praying that such violation shall be enjoined or otherwise prohibited.

Jurisdiction of courts.

Quo warranto; injunction.

Upon the filing of such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. In any action or proceeding in quo warranto by the attorney general or a prosecuting attorney against a corporation the court in which such action or proceeding is pending may, ancillary to such action or proceeding, restrain or enjoin the corporation and its officers and agents from continuing or committing during the pendency of the action the alleged act or acts by reason of which the action is brought. When, in a proceeding quo warranto by the attorney general or any prosecuting attorney, any corporation incorporated under the laws of this state is, on final hearing, found guilty of violating any of the provisions of this act, the court may declare a forfeiture of all its rights, privileges and franchises to the state and may order the incorporation dissolved and appoint a trustee or trustees to wind up its affairs, as is provided in other cases in quo warranto.

Domestic corporations.

Dissolution by court.

Sec. 8901. Appeals may be taken and error prosecuted from the decision of the common pleas court to the court of appeals in such proceedings, as in civil actions. The decision of that court shall be final and conclusive. In both the common pleas court and court of appeals proceedings brought hereunder shall be advanced over other civil causes.

Appeals.

Sec. 11427. Upon receipt of an order therefor from the judge of a common pleas court, the clerk thereof, at the time, place, and in the mode hereinbefore provided, forthwith shall draw the names of twelve persons to serve as petit jurors, or twenty-seven persons to serve as grand and petit jurors, for a special term of such court. When,

Jurors for a special term of the common pleas and for cases in the court of appeals.

in the court of appeals, an issue of fact triable by a jury is joined in a cause, at the instance of either of the parties, the clerk of the court of appeals, forthwith in like manner, shall draw the names of twelve persons to serve as jurors in the trial of such cause, and issue his venire for the appearance of the jurors at the proper time and place.

How witness relieved from imprisonment.

Sec. 11514. A witness so imprisoned by an officer may apply to a judge of the supreme court, court of appeals, common pleas or probate court, who may discharge him, if it appears that his imprisonment is illegal.

Officers authorized to take depositions.

Sec. 11529. Depositions may be taken in this state before a judge or the clerk of the supreme court, a judge or clerk of the court of appeals, a judge or clerk of the court of common pleas, a probate judge, justice of the peace, notary public, mayor, master commissioner, official stenographer of any court in this state, or any person empowered by a special commission.

Correction of errors.

Sec. 11572-a. When justice requires it, upon notice to all parties, an omission in a bill of exceptions, occurring through accident or error, may be corrected by the reviewing court, or it may be remanded to the trial court for such correction.

When common pleas or court of appeals may vacate or modify its orders or judgments after term.

Sec. 11631. The common pleas court or the court of appeals may vacate or modify its own judgment or order, after the term at which it was made:

1. By granting a new trial of the cause, within the time and in the manner provided in section eleven thousand five hundred and eighty.

2. By a new trial granted in proceedings against defendants constructively summoned as provided in section eleven thousand two hundred and ninety-six.

3. For mistake, neglect or omission of the clerk, or irregularity in obtaining a judgment or order.

4. For fraud practiced by the successful party in obtaining a judgment or order.

5. For erroneous proceedings against an infant or person of unsound mind, when the condition of such defendant does not appear in the record, nor the error in the proceedings.

6. For the death of one of the parties before the judgment in the action.

7. For unavoidable casualty or misfortune, preventing the party from prosecuting or defending.

8. For errors in a judgment, shown by an infant within twelve months after arriving at full age as prescribed in section eleven thousand six hundred and three.

9. For taking judgments upon warrants of attorney for more than was due the plaintiff, when the defendant was not summoned or otherwise legally notified of the time and place of taking such judgment.

10. When such judgment or order was obtained, in whole or in a material part, by false testimony on the part

of the successful party, or any witness in his behalf, which ordinary prudence could not have anticipated or guarded against, and the guilty party has been convicted.

How judgment remanded for execution by common pleas revived.

Sec. 11650. When a judgment or decree has been rendered in the court of appeals of a county and a mandate directed to the common pleas court to carry it into execution, on the death of either or both parties thereto before its satisfaction, it may be revived in such common pleas court in conformity with the next preceding section.

Lien of common pleas judgment removed to supreme court.

Sec. 11658. The lien of a judgment of the common pleas court in an action which is appealed by the judgment debtor to the court of appeals and thence removed into the supreme court, shall not thereby be divested or vacated, but continued until the final determination of the action in the supreme court.

Supreme and court of appeals judgments.

Sec. 11709. In all cases in which judgment is rendered in the court of appeals or supreme court and a special mandate is directed to the common pleas court to carry it into execution, the lien of the judgment creditor shall continue for one year after the first day of the term of the court to which the mandate is directed, or if it be entered on the journal in vacation, after it is so entered. In computing such period of one year, the time covered by an appeal of the case, or by an injunction against the execution, or by proceedings in error, or by a vacancy in the office of sheriff and coroner, or by the inability of such officers, shall be excluded.

By whom and how allowed.

Sec. 11746. An execution against the person of the debtor, except as hereinafter prescribed, can be issued only when allowed by the supreme court, court of appeals, court of common pleas, probate court, or a judge of either, upon being satisfied, by the affidavit of the judgment creditor or his attorney, and such other evidence as may be presented, of the existence of one or more of the particulars mentioned in the next preceding section.

Who may grant an injunction.

Sec. 11877. At the beginning of an action, or any time before judgment, the injunction may be granted by the supreme court or a judge thereof, the court of appeals or a judge thereof in his district, the common pleas court or a judge thereof in his district, or the probate court, in causes pending therein, upon its appearing to the court or judge by affidavit of the plaintiff, or his agent, that the plaintiff is entitled thereto.

When probate judge may grant an injunction.

Sec. 11878. On like grounds and proof, the probate judge of a county may grant injunctions in actions pending in either the common pleas court or court of appeals of his county, in the absence therefrom of the respective judges of such courts.

Injunction may be granted by court of appeals before judgment or final order rendered.

Sec. 11879. When the injunction has been allowed and during the pendency of the action in the common pleas court has been vacated, either by a judge thereof in vacation, or by the court previous to the trial of the action, and after such trial an appeal is taken, from the judgment or final order of the common pleas to the court of appeals, an

injunction may be granted before judgment or final order in the action, by the court of appeals in which it is pending or a judge thereof, upon its appearing satisfactorily to such court or judge, by affidavit of such party, or his agent, that he is entitled thereto. Upon like proof, an injunction also may be allowed by the supreme court or court of appeals, or by a judge of either, as a temporary remedy, during the pendency of a case on error or appeal in such courts respectively.

Appointment of receiver.

Sec. 11894. A receiver may be appointed by the supreme court or a judge thereof, the court of appeals, or a judge thereof in his district, the common pleas court or a judge thereof in his district, or the probate court, in causes pending in such courts respectively, in the following cases:

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject property or a fund to his claim, or between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff, or of a party whose right to or interest in the property or fund, or the proceeds thereof, is probable, and when it is shown that the property or fund is in danger of being lost, removed or materially injured;

2. In an action by a mortgagee, for the foreclosure of his mortgage and sale of the mortgaged property, when it appears that the mortgaged property is in danger of being lost, removed or materially injured, or that the condition of the mortgage has not been performed, and the property is probably insufficient to discharge the mortgage debt;

3. After judgment, to carry the judgment into effect;

4. After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or when an execution has been returned unsatisfied and the judgment debtor refuses to apply the property in satisfaction of the judgment;

5. In the cases provided in this title, and by special statutes when a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights;

6. In all other cases in which receivers heretofore have been appointed by the usages of equity.

Alimony and allowance pendente lite.

Sec.11994. On notice to the opposite party of the time and place of the application, the court, or a judge thereof, in vacation, may grant alimony to either of the parties for his or her sustenance and expenses during the suit, and allowances for the support of minor children dependent upon either party for support and not provided for by such party during the pendency of the action for divorce, or alimony alone. When an appeal is taken by either party to the court of appeals, that court, or a judge thereof in vacation, may grant like alimony and support during the pendency of the appeal, upon like notice.

Appeal and error.

Sec. 12086. No appeal can be taken from the judgment of the common pleas court to the court of appeals in cases

to contest a will, but the right to prosecute error shall be the same as provided in other cases brought in the common pleas court.

Who may grant writ of habeas corpus.

Sec. 12162. The writ of habeas corpus may be granted by the supreme court, the court of appeals, the common pleas court, the probate court, or by a judge of either.

How conducted on appeal to court of appeals.

Sec. 12223. The court of appeals shall have jurisdiction of certain cases, as hereinafter provided, by appeal; and the trial therein shall be conducted in the same manner as in the common pleas court, and upon the same pleadings, unless amendments are permitted or ordered by the court of appeals.

When appeal lies from common pleas to court of appeals.

Sec. 12224. In addition to the cases and matters specially provided for, an appeal may be taken to the court of appeals by a party or other person directly affected, from a judgment or final order in a civil action rendered by the common pleas court, and of which it had original jurisdiction, if the right to demand a jury therein did not exist, and from an interlocutory order made by the common pleas court, or a judge thereof, dissolving an injunction, in a case of which it had original jurisdiction.

Effect of appeal from order dissolving injunctions.

Sec. 12225. No order of the common pleas, or a judge of that court, dissolving an interlocutory injunction, shall be suspended by an appeal therefrom, except by order of the court of appeals, or two judges thereof, in vacation, on reasonable notice to the adverse party. Upon good cause shown, the court or judge at the time of making such interlocutory order, also may suspend its operation for not more than ten days, within which period of suspension the appellant may perfect his appeal.

Bond required.

Sec. 12226. A party desiring to appeal his cause to the court of appeals within thirty days after the judgment or order is entered on the journal of the court, shall give an undertaking with sufficient surety, to be approved by the clerk of the court or a judge thereof, as hereinafter provided, and in such amount as is required or fixed by the provisions of section twelve thousand two hundred and twenty-nine.

How party in trust capacity or county treasurer may perfect appeal to court of appeals.

Sec. 12227. A party in any trust capacity, or a county treasurer in his official capacity, who has given bond in this state with sureties according to law, shall not be required to give bond and security to perfect an appeal; and in such case, the clerk of the common pleas court, at the expiration of thirty days from the entering of such judgment or order upon the journal of the court, if not otherwise directed, shall make a transcript, which together with the papers and pleadings filed in the case he shall transmit to the clerk of the court of appeals as in other cases of appeals.

When new surety or new bond on appeal may be required.

Sec. 12232. When a surety in an appeal bond has removed from the state, or is not sufficient, or in form or amount the bond is insufficient, on motion the court of appeals may order its change or renewal or that a new one be given, with security to be approved by the court or its clerk.

If such order be complied with, the cause shall be heard and determined as though it had not been made; but otherwise the appeal must be dismissed.

How injunction suspended on appeal from decree.

Sec. 12235. When an injunction is appealed from, it shall be suspended only by order of the court of appeals, or two judges thereof, on reasonable notice to the adverse party.

Duty of clerk when appeal perfected.

Sec. 12236. Forthwith, upon the perfecting of an appeal, the clerk of the common pleas court shall make a true transcript of docket and journal entries, including the final judgment in the cause, which, with the original pleadings and other papers he shall deliver at the office of the clerk of the court of appeals not later than the first day of its next term thereafter. At his own costs, either party may require a full record of the case in the court below, to be made.

Lien of judgment on appeal to court of appeals.

Sec. 12237. When the party against whom a judgment is rendered appeals his cause to the court of appeals, the lien of the opposite party on the real estate of the appellant, created by the judgment, shall not be removed or vacated; but it shall be bound, in the same manner as if the appeal had not been taken, until the final determination of the cause in the court of appeals.

Costs on appeal; when appellant to pay.

Sec. 12238. If a plaintiff appealing do not recover a greater sum in the court of appeals than in the court from which the appeal was taken, exclusive of costs and interest accrued since the rendition of the judgment, he shall pay all costs that accrue in the court of appeals; and if the defendant, in any personal action, appeal to the court of appeals, and the plaintiff recover the same or a larger sum than was recovered in the court below, exclusive of costs, the court of appeals shall render judgment for the sum so recovered, with costs of suit.

Damages in appellate court, when no reasonable ground for appeal.

Sec. 12239. When the judgment of the court of appeals is substantially the same as that of the lower court, damages may be awarded as follows: If it be for the payment of money, unless the appellate court is satisfied that there was reasonable grounds for the appeal, the appellant shall be adjudged to pay the party thereby delayed of payment, five per cent. on the amount recovered below; or, should the court be satisfied that the appeal was for delay merely, that he pay ten per cent. thereon. In other cases including those wherein a judgment or decree is for nominal damages and costs, or costs only, unless the court is satisfied that reasonable ground existed for the appeal, damages shall be adjudged to the appellee, or party affected in any sum deemed reasonable, not exceeding two hundred dollars.

How judgment of court of appeals on appeal enforced.

Sec. 12240. When, in cases appealed to it, the court of appeals makes a final order or renders a final judgment, it either may be enforced by its own process, or the order or judgment may be sent to the court of common pleas, for enforcement there. If the case be sent to the court of common pleas the clerk of the court of appeals shall certify it

to such court, whose clerk, on receipt of the certified transcript thereof, immediately shall enter it upon the journal. Thereupon, unless otherwise ordered by the court above for the purpose of execution or other process, it shall stand as the judgment of the court of common pleas.

How judgment reversed or modified.

Sec. 12247. A judgment rendered or final order made by a court of common pleas or by the superior court of Cincinnati, or by a judge of either of such courts, may be reversed, vacated or modified, by the court of appeals having jurisdiction in the county wherein the common pleas or superior court is located, for errors appearing on the record.

Mandate, what to contain.

Sec. 12248. All errors assigned in the petition in error and pointed out by a brief, shall be passed upon by the court and in every case when a judgment or order is reversed and remanded for a new trial or hearing, in its mandate to the court below the court of appeals shall state the error or errors found in the record upon which the judgment of reversal is founded. Errors not specified by brief may be disregarded, but the court, in its discretion may consider and decide errors which are not assigned or specified.

Penalty on affirmance by court of appeals.

Sec. 12249. If the court of appeals affirms the judgment on petition in error, it also shall render judgment against plaintiff in error for five per cent. upon the amount due from him to the defendant in error, unless the court finds and enters upon its minutes that there was reasonable ground for proceedings in error.

Jurisdiction of supreme court.

Sec. 12250. A judgment rendered or a final order made by a court of appeals or a judge thereof, court of common pleas or a judge thereof, probate court, insolvency court, or a superior court or a judge thereof, may be reversed, vacated or modified by the supreme court, on a petition in error, for errors appearing on the record, except cases in which the judgment of the court of appeals is final, as provided by the constitution, and such judgment shall not be subject to modification, vacation or reversal.

In what cases no petition in error shall be filed in the supreme court without leave.

Sec. 12251. Except as to the judgment or final order of the court of appeals or a judge thereof, in cases involving questions under the constitution of the United States, or of this state, and in cases which originated in the court of appeals, no petition in error shall be filed in the supreme court in cases over which it has jurisdiction without its leave, or that of a judge thereof.

Court shall state on record facts upon which the error arises.

Sec. 12252. On application of a party excepting to a ruling or decision of the court of appeals during the trial, or on motion for a new trial, such court shall find from the evidence and state on the record the facts upon which the alleged error arises, or which may be material in determining whether or not error has intervened.

When supreme court shall assess penalty.

Sec. 12257. When, in any such case, the judgment or final order of a court of appeals is affirmed, as part of the costs in the case there shall be taxed a reasonable fee, to be fixed by the court not less than twenty-five nor more than three hundred dollars, to the counsel of the defendant. The

court also shall adjudge to the defendant damages in any reasonable sum not exceeding five hundred dollars, unless the judgment or final order of the court of appeals directs the payment of money and execution thereof was stayed on error in the supreme court when, in lieu of such penalty, it shall bear additional interest, at a rate not exceeding five per cent. per annum, for the time it was stayed, to be ascertained and awarded by the court. If the supreme court certify in its judgment that there was reasonable cause for the proceeding in error, neither such fee, additional interest, nor penalty, shall be taxed, adjudged, or awarded.

How execution or order stayed.

Sec. 12265. No proceeding to reverse, vacate or modify a judgment or final order rendered in the probate court, common pleas court or court of appeals, except as hereinafter provided, shall stay execution, unless the clerk of the court in which the record of such judgment or final order is made takes a bond executed on the part of the plaintiff in error to the adverse party, with sufficient surety as follows:

1. When the judgment or final order sought to be reversed directs the payment of money, the bond shall be in double its amount, to the effect that the plaintiff in error will pay the condemnation money, and costs, if the judgment or order be affirmed, in whole or part;

2. When it directs the execution of a conveyance or other instrument, the bond shall be in such sum as may be prescribed by a court of record, or a judge thereof, to the effect that plaintiff in error will abide the judgment, if it be affirmed, and pay the costs;

3. When it directs the sale, or delivery of possession, of real property, the bond shall be in such sum as may be prescribed by a court of record, or a judge thereof, to the effect that during the possession of such property by the plaintiff, in error, he will not commit, nor suffer to be committed, any waste thereon, and that, if the judgment be affirmed, he will pay the value of the use and occupation of the property from the date of the bond until the delivery of possession, pursuant to the judgment, and all costs. When the judgment is for the sale of mortgaged premises and the payment of a deficiency arising from the sale, the bond also must provide for the payment of such deficiency;

4. When it directs the assignment or delivery of documents, they may be placed in the custody of the clerk of the court in which the judgment was rendered, to abide the judgment of the reviewing court, or the bond shall be in such sum as may be prescribed as aforesaid, to abide the judgment, and pay costs, if the judgment be affirmed.

Proceedings after reversal.

Sec. 12272. When a judgment or final order is reversed, in whole or part, in the common pleas court, court of appeals or supreme court, the reviewing court shall ren-

der such judgment as the court below should have rendered, or remand the cause to that court for such judgment.

Grounds of reversal, when to be stated.

Sec. 12273. The court of appeals or common pleas court so reversing a judgment upon the request of either party, shall specify in writing the ground or grounds of such reversal, which shall be filed and kept with the papers in the case.

Suspension of execution.

Sec. 12275. The court to which such mandate is sent shall proceed as if such judgment or final order had been rendered therein. On motion and good cause shown, it may suspend an execution made returnable before it by order of the common pleas court, the court of appeals, or the supreme court, as if the execution had been issued from its own court. Such suspension shall extend only to stay proceedings until the matter can be further heard by the common pleas court, court of appeals or supreme court, as the case may be.

Stay of execution.

Sec. 12278. Execution of a judgment or final order other than those enumerated in this chapter, of any judicial tribunal, or the levy or collection of any tax or assessment therein litigated, may be stayed, on such terms as are prescribed by the court in which the petition in error is filed, or by a judge thereof.

By whom issued.

Sec. 12284. The writ of mandamus may be issued by the supreme court, the court of appeals or the common pleas court.

Actions in quo warranto, where brought.

Sec. 12311. An action under this chapter can be brought only in the supreme court, or in the court of appeals of the county in which the defendant, or one of the defendants, resides or is found, or, when the defendant is a corporation, in the county in which it is situated, or has a place of business; except that, when the attorney general files the petition, it may be brought in the court of appeals of Franklin county.

Remanding to common pleas court.

Sec. 12326. Upon the appointment and qualification of such trustee or trustees, the supreme court or the court of appeals in which the proceedings have been instituted, may remand the proceedings to the court of common pleas of the county in which the corporation has or last had its principal place of business for further proceedings in accordance with law; and upon the proceedings being so remanded, the court of common pleas shall become and be vested with full jurisdiction and shall have the same power with reference thereto as the supreme court or court of appeals would have had if such proceedings had not been remanded. The jurisdiction of the supreme court or court of appeals of the proceedings so remanded shall cease upon such remand being made.

Sec. 13562. The common pleas court or the court of appeals, whenever it is of the opinion that the public inter-

Appointment of counsel to assist prosecuting attorney.

est requires it, may appoint an attorney to assist the prosecuting attorney in the trial of a case pending in such court, and the county commissioners shall pay such assistant such compensation for his services as such court approves and to them seems just and proper.

Judgments and final orders in criminal cases reviewed; supreme court not to determine weight of evidence; exception.

Sec. 13751. In a criminal case, including a conviction for a violation of an ordinance of a municipal corporation, the judgment or final order of a court or officer inferior to the common pleas court may be reviewed in the common pleas court; a judgment or final order of a court or officer inferior to the court of appeals may be reviewed in the court of appeals; and a judgment or final order of the court of appeals in convictions of a felony or the common pleas court in conviction of a felony or misdemeanor, and a judgment of the court of appeals involving the constitutionality of a statute; or a judgment in a case of public or great general interest may be reviewed by the supreme court. The supreme court in a criminal cause or proceeding, except when its jurisdiction is original, shall not be required to determine as to the weight of the evidence.

Suspension of sentence in criminal cases; when defendant admitted to bail.

Sec. 13757. Upon filing such petition in error in the supreme court, the execution of sentence, in cases of felony, shall be thereby suspended and in cases of misdemeanor, the court or judge, allowing the motion, shall order such suspension. Proceedings in error in other courts shall not suspend execution of sentence except in capital cases, where such suspension must be for good cause shown, on motion, and on notice to the prosecuting attorney of the proper county, ordered by a majority of the judges of the court of appeals of the county, and in other cases in such court, by one judge thereof, and in cases in the common pleas court by one of the judges of such court. In cases of conviction for felony, except for murder in the first and second degree, where sentence is suspended, the judge who presided on the trial of such case, may admit the defendant to bail, conditioned that such defendant will prosecute his petition in error and surrender himself to the custody of the proper officer of the county in which such conviction was had, if the judgment against him is not reversed or a new trial ordered.

Repeals.

SECTION 5. That original sections 31, 113, 120, 195, 196, 339, 346, 634-2, 1406, 1466, 1467, 1468, 1469, 1470, 1474, 1475, 1483, 1486, 1487, 1488, 1496, 1498, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1541, 1576, 1637, 1668, 1684, 1687, 1688,1690, 1692, 1693, 1695, 1707, 1709, 2251, 2253, 2853, 2833, 2855, 2869, 2916, 3029, 3030, 3695, 5015, 5054-1, 5094, 5105, 5125, 5129, 5130, 5137, 5138, 5141, 5143, 5145, 6164, 6165, 6166, 6167, 6394, 6400, 8901, 11427, 11514, 11529, 11631, 11650, 11658, 11709, 11746, 11877, 11878, 11879, 11894, 11994, 12086, 12162, 12223, 12225, 12226, 12227, 12232, 12235, 12236, 12237, 12238, 12239, 12240,

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

12247, 12248, 12249, 12250, 12251, 12252, 12257, 12265, 12272, 12273, 12275, 12278, 12284, 12311, 12326, 13562, 13751, 13757, of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 29th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
166 G.

[Senate Bill No. 275.]

AN ACT

To amend section 10843 of the General Code relating to the investment of unclaimed money of a decedent's estate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That original section 10843 of the General Code be amended so as to read as follows:

How unclaimed money invested.

Sec. 10843. If a sum of money directed by a decree or order of the court to be distributed to heirs, next of kin, or legatees, or by a judgment or decree of court in favor of a creditor, remains for six months unclaimed, the executor or administrator shall loan it on bond or mortgage, as the court directs, to accumulate for the benefit of the persons entitled thereto. Such loan shall be made in the name of the judge of the court for the time being, and be subject to the order of the judge and his successors in office, as hereinafter provided.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 10843 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
167 G.

[Senate Bill No. 142.]

AN ACT

To supplement section 4411 of the General Code by enactment of section 4411-1, relating to employees of board of health.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4411 of the General Code be supplemented by the enactment of section 4411-1 to read as follows:

Who not eligible as officer or physician.

Sec. 4411-1. The board shall determine the duties and fix the salaries of its employees; but no member of the board of health shall be appointed as health officer or ward physician.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

Passed April 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
168 G.

[Senate Bill No. 79.]

AN ACT

To amend sections 1165-6, 1165-7, 1165-8, 1165-11 to authorize the establishment of county experiment farms.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1165-6, 1165-7, 1165-8 and 1165-11 of the General Code be amended to read as follows:

Issue of bonds by county commissioners.

Sec. 1165-6. To anticipate the collection of the tax authorized by this act and the use of the money to be raised thereby, the commissioners are hereby authorized and required, within ninety days from the date of the election at which such bonds have been authorized, to issue the notes or bonds of their county. Such notes or bonds shall bear interest at a rate not to exceed six per cent. per annum, and shall run not to exceed ten years, and shall not be sold for less than their par value, and the proceeds of the sale thereof shall be deposited in the county treasury subject to the order of the board of control of the Ohio agricultural Experiment Station to be applied by said board to the purchase and equipment of an experiment farm, containing eighty acres or more, as hereinafter provided for.

Money subject to order of board of control.

Purchase of farm by board of control.

Sec. 1165-7. When the funds provided for in this act are deposited in the county treasury, the commissioners shall notify the board of control of the Ohio agricultural experiment station of their action, on receipt of which notice it shall be the duty of said board of control to visit the county and select a farm for the purpose specified in this act.

Equipment.

Sec. 1165-8. The equipment of an experiment farm shall consist of such buildings, drains, fences, implements, live stock, stock feed and teams as shall be deemed necessary by the board of control of the experiment station for the successful work of such farm, and the initial equipment shall be provided by the county in which the farm is established, together with a sufficient fund to pay the wages of the laborers required to conduct the work of such farm during the first season. With the beginning of operations of said farm the county commissioners shall appropriate for the payment of the wages of the laborers employed in the management of such farms as may be established under this act, and for the purchase of supplies and materials necessary to the proper conduct of such farms such sums not exceeding two thousand dollars annually for any farm, as may be required by the board of control of the Ohio agricultural experiment station, said board of control to render an annual itemized financial statement to the board of county commissioners of all receipts and expenditures connected with the management of the experiment farms.

Maximum annual appropriation.

Portion of any farm owned by county may be assigned without vote.

Sec. 1165-11. The county commissioners of any county may assign to the board of control of the Ohio agricultural experiment station, without a vote of the people, such portion of any farm now owned or hereafter acquired by the county as may be mutually agreed upon between the commissioners and the board of control, the land thus assigned to be occupied and used by the Ohio agricultural experiment station for the purpose specified in this act and under the management of the director of the station.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Repeals.

SECTION 2. That said original sections 1165-6, 1165-7, 1165-8, 1165-11 be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 14th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
169 G.

[Senate Bill No. 220.]

AN ACT

To amend sections 1270, 1276, 1282, 1284, 1287, 1288, 1292, 12694, 12695 and 12696 of the General Code, relating to the practice of medicine and surgery.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1270, 1276, 1282, 1284, 1287, 1288, 1292, 12694, 12695 and 12696 be amended to read as follows:

Requisites for admission to examination.

Sec. 1270. The state medical board shall appoint an entrance examiner who shall not be directly or indirectly connected with a medical college and who shall determine the sufficiency of the preliminary education of applicants for admission to the examination. The following preliminary educational credentials shall be sufficient:

A diploma from a reputable college granting the degree of A. B., B. S., or equivalent degree.

A diploma from a legally constituted normal school, high school or seminary, issued after four years of study:

A teacher's permanent or life certificate:

A student's certificate of examination for admission to the freshman class of a reputable literary or scientific college.

In the absence of the foregoing qualifications, the entrance examiner may examine the applicant in such branches as are required for graduation from a first class high school of this state, and to pass such examination shall be sufficient qualification. If the entrance examiner finds that the preliminary education of the applicant is sufficient, he shall, upon payment to the treasurer of the state medical board of a fee of three dollars, issue a certificate thereof, which shall be attested by the secretary of the state medical board.

The applicant must also produce a certificate issued by the entrance examiner and a diploma from a legally chartered medical institution in the United States, in good standing, as defined by the board, at the time the diploma was issued, and which institution, subsequent to May 1st, 1913, requires for admission for the degree of M. D., to such institution, a preliminary education equal to that required for graduation from a first grade high school in this state, or a diploma or license approved by the board which conferred the full right to practice all branches of medicine or surgery in a foreign country.

Appeal from action of board.

Sec. 1276. An appeal may be taken from the action of the state medical board refusing to grant, revoking or suspending a certificate, for the causes named in the preceding section, to the governor and attorney general, whose decision affirming or overruling the action of the state board shall be final.

Admission of physicians and surgeons of other states.

Sec. 1282. The state medical board may dispense with the examination of a physician or surgeon, duly authorized to practice medicine or surgery in another state, a territory or the District of Columbia, who wishes to remove from such state, territory or district and reside and practice his profession in this state, upon his complying with the following conditions:

Such physician or surgeon shall make an application on a form prescribed by the board, pay a fee of fifty dollars and present a certificate or license issued by the medical board thereof; provided the laws of such state, territory or district require of physicians and surgeons practicing therein qualifications of a grade equal to those required of physicians and surgeons practicing in Ohio, and equal rights are accorded by such state, territory or district to physicians and surgeons of Ohio holding a certificate from the state medical board who desire to remove to, reside and practice their profession in such state, territory, or district.

Examination fee; certificate.

Sec. 1284. If the applicant passes a satisfactory examination and has paid a fee of ten dollars, the state medical board shall issue its certificate to that effect, which must be deposited with the probate judge of the county in the manner provided for a physician's certificate, and thereupon entitled its holder to practice midwifery in this state. Such certificate may be refused, revoked or suspended as in the case of certificates to physicians and surgeons.

To whom provisions in this chapter shall not apply.

Sec. 1287. Nothing in this chapter shall prohibit service in case of emergency, or domestic adminstration of family remedies. This chapter shall not apply to a commissioned medical officer of the United States army, navy or marine hospital service in the discharge of his professional duties, or to a regularly qualified dentist when engaged exclusively in the practice of dentistry, or when administering anaesthetics or to a physician or surgeon residing in another state or territory who is a legal practitioner of medicine or surgery therein, when in consultation with a regular practitioner of this state; nor shall this chapter apply to a physician or surgeon residing on the border of a neighboring state and duly authorized under the laws thereof to practice medicine and surgery therein, whose practice extends within the limits of this state; provided equal rights and privileges are accorded by such neighboring state to the physicians and surgeons of Ohio residing on the border of this state contiguous to such neighboring state. Such practitioner shall not open an office or appoint a place to see patients or receive calls within the limits of this state.

Practice of osteopathy.

Sec. 1288. The provisions of this chapter shall not apply to an osteopath who passes an examination before the state medical board in the subjects of anatomy, physiology, obstetrics and diagnosis in the manner required by the board, receives a certificate from such board, and deposits

it with the probate judge as required by law in the case of other certificates. Such certificate shall authorize the holder thereof to practice osteopathy in the state, but shall not permit him to prescribe or administer drugs, or to perform major surgery. Such certificate may be refused, revoked or suspended as in the case of certificates to physicians and surgeons.

Admission of osteopathic physician of another state.

Sec. 1292. Upon recommendation of the osteopathic committee, the state medical board may dispense with the examination of an osteopath, duly authorized to practice osteopathy in another state, a territory or the District of Columbia, who wishes to remove from such state, territory or district and reside and practice his profession in this state, upon his complying with the following conditions:

Such osteopath shall make an application on a form prescribed by the board, pay a fee of fifty dollars and present a certificate or license issued by the proper board of such state, territory or district; provided the laws of such state, territory or district require of osteopaths practicing therein qualifications of a grade equal to those required of osteopaths practicing in Ohio, and equal rights are accorded by such state, territory or district to osteopaths of Ohio holding a certificate from the state medical board who desire to remove to, reside and practice their profession in such state, territory or district.

Practice of medicine and surgery without certificate.

Sec. 12694. Whoever practices medicine or surgery in any of its branches before obtaining a certificate from the state medical board in the manner required by law, or so practices medicine or surgery after such certificate has been duly revoked, or if suspended, during the time of such suspension, shall be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned in the county jail not less than thirty days nor more than one year, or both. A certificate duly certified by the secretary of the state medical board, under the official seal of the said the state medical board to the effect that it appears from the records of the state medical board that no certificate to pracice medicine or surgery in the state of Ohio has been issued to any person or persons specified therein, or that a certificate, if issued, has been revoked or suspended, shall be received as prima facie evidence of the record in any court or before any officer of the state.

Practicing midwifery without certificate.

Sec. 12695. Whoever practices midwifery without first obtaining a certificate from the state medical board, or other lawful authority authorizing her so to do, or so practices midwifery after such certificate has been duly revoked, or if suspended, during the time of such suspension, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

A certificate duly certified by the secretary of the state medical board, under the official seal of the said the state medical board to the effect that it appears from the records of the state medical board that no certificate to practice midwifery in the state of Ohio has been issued to any

person or persons specified therein, or that a certificate, if issued, has been revoked or suspended, shall be received as prima facie evidence of the record in any court or before any officer of the state.

Practicing osteopathy without compliance with law.

Sec. 12696. Whoever announces or advertises himself as an osteopath, or practices as such, without complying with all the provisions of law relating to the practice of osteopathy, or so practices osteopathy after such certificate has been duly revoked, or if suspended, during the time of such suspension, shall be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned in the county jail not less than thirty days nor more than one year, or both.

A certificate duly certified by the secretary of the state medical board, under the official seal of the said the state medical board to the effect that it appears from the records of the state medical board that no certificate to practice osteopathy in the state of Ohio, has been issued to any person or persons specified therein or that a certificate, if issued, has been revoked or suspended shall be received as prima facie evidence of the record in any court or before any officer of the state.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Repeals.

SECTION 2. That orignal sections 1270, 1276, 1282, 1284, 1287, 1288, 1292, 12694, 12695 and 12696 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
170 G.

[Senate Bill No. 285.]

AN ACT

To amend sections 6087, 6088, 6089 and 6091 of the General Code, relating to the duties of certain inspectors and to the assessment of the liquor traffic tax, and to amend section 6072 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6072, 6087, 6088, 6089 and 6091 of the General Code be amended to read as follows:

Duty of inspectors.

Sec. 6087. The inspectors appointed by the state liquor licensing board, in addition to any other duties, by personal visitation or otherwise, shall make investigations to secure the names of all persons, firms or corporations liable to such assessment or increased assesment, whose names are not already on the duplicate, and report such names to the state liquor licensing board.

Duty of licensing board.

Sec. 6088. The state liquor licensing board, upon the report and information submitted to it shall determine and forthwith certify to the auditor of state, the names of all persons, firms or corporations liable to such assessment or increased assessment, whose names are not already on the duplicate, together with a description of the real estate upon which said business is carried on. The state board shall keep a record of all such cases so certified by it to the auditor of state.

Duty of auditor of state.

Sec. 6089. Thereupon the auditor of state shall cause all of such names to be entered upon the assessment duplicate of the proper county by the auditor thereof, together with a penalty of twenty per cent. thereon, which shall be collected in like manner as other assessments. Upon the request of the state liquor licensing board, the auditor of state and county treasurer shall forthwith make a report to it of their action upon all cases certified by it to the auditor of state until the tax and penalty thereon are paid into the county treasury.

Corrections of errors and remitting assessment.

Sec. 6091. The auditor of state, with the consent and approval of the state liquor licensing board, may correct any errors or remit any such assessment or increased assessment, together with the penalty thereon, if it is found to have been erroneously or illegally certified.

Assessment a lien, when; time of payment.

Sec. 6072. Such assessment, with any penalty thereon, shall attach and operate as a lien upon the real property on and in which such business is conducted, as of the fourth Monday of May each year, and shall be paid at the times provided for the payment of taxes on real or personal property within this state, to-wit: One-half on or before the twentieth day of June, and one-half on or before the twentieth day of December of each year; provided, however, that such assessment, with any penalty thereon, shall not attach and operate as a lien upon the real property aforesaid if the business taxed and for which the assessment is paid is conducted by a person, corporation or co-partnership trespassing upon said real property, or is conducted by a person, corporation or co-partnership without the knowledge or assent of the owner of said real property. Any person who traffics in intoxicating liquors as a beverage at retail shall not be entitled to any rebate or refunder under the liquor tax law without giving a bond in amount equal to twice the amount of such rebate or refunder with securities acceptable to the county clerk that he will not traffic in intoxicating liquors without paying the liquor taxes provided by law.

Rebate or refunder.

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to the Gen-
al Code.
MOTHY S.
HOGAN,
torney
General.

SECTION 2. That said original sections 6072, 6087, 6088, 6089 and 6091 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
171 G.

[Sub. Senate Bill No. 278.]

AN ACT

To amend sections 13668 and 13669 of the General Code, relating to the taking of depositions in criminal cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 13668 and 13669 of the General Code be amended so as to read as follows:

Deposition of witnesses for defendant taken when.

Sec. 13668. When an issue of fact is joined upon an indictment and a material witness for the defendant or for the state resides out of the state, or, residing within the state, is sick or infirm or about to leave the state or is confined in prison, such defendant or the prosecuting attorney may apply, in writing, to the court or the judge thereof in vacation, for a commission to take the deposition of such witness or witnesses. The court or judge may grant such commission and make an order stating in what manner and for what length of time notice shall be given to the prosecuting attorney or to the defendant before such witness or witnesses shall be examined.

SECTION 2. That said original section 13668, General Code, be and the same is hereby repealed.

SECTION 3. That section 13668, General Code, be supplemented as follows:

Defendant in prison, taken by officer to place of taking deposition; expenses.

Sec. 13668-1. When such commission is granted and the defendant is confined in prison, the sheriff or a deputy shall be ordered by the court or judge to take the defendant to the place of the taking of such deposition and have him before the officer at the taking of said deposition. Such sheriff or deputy shall be reimbursed for actual reasonable traveling expenses, for himself and the defendant, so incurred, the bills for the same, upon approval by the county commissioners, to be paid from the county treasury on the warrant of the county auditor. Such sheriff shall receive

as fees therefor one dollar for each day in attendance thereat. Such fees and traveling expenses shall be taxed and collected as other fees and costs in the case.

Counsel appointed shall represent the defendant.

Sec. 13668-2. If counsel has been appointed by the state to defend a defendant under sections 13617 and 13618, General Code, said counsel shall be authorized to attend upon and represent the defendant at the taking of depositions, and said counsel shall be paid a reasonable fee for his services in such matter, in addition to the fee prescribed in section 13618, General Code, to be fixed by the county commissioners; and he shall also be allowed his actual expenses incurred in going to and from the place of taking the depositions.

Right of accused to attend in person and examine witnesses face to face.

Sec. 13668-3. In all cases in which depositions are taken by the accused or by the state, to be used by or against the accused, of any witness whose attendance cannot be had at the trial, the court shall by proper order provide and secure to the accused the means and opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court; and any and all expenses necessarily incurred in the securing of said means and opportunity and the expenses of the prosecuting attorney in attending the act shall be paid out of the county treasury as other county expenses, upon the certificate of the court making such order.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 8th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
172 G.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

[Senate Bill No. 234.]

AN ACT

To amend sections 2312 and 2313 of the General Code and supplement section 2313 by the enactment of sections 2313-1 and 2313-2 of the General Code for the purpose of providing for deficiencies in appropriations for the expenses of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2312 and 2313 of the General Code are hereby amended and section 2313 supplemented by the enactment of supplementary sections to be designated as sections 2313-1 and 2313-2 of the General Code, so as to read:

Emergency board; organization; expenses.

"Sec. 2312. There shall be an emergency board to consist of the governor, auditor of state, attorney general, chairman of the senate finance committee, and chairman of the house finance committee. The governor shall be president, and the chairman of the house finance committee shall be secretary of the board. The secretary shall keep a complete record of all its proceedings. The necessary expenses of the chairman of the senate and house finance committees, while engaged in their duties as such members, shall be paid from the fund for expenses of legislative committees, upon itemized vouchers approved by themselves, and the auditor of state is hereby authorized to draw his warrants upon the treasurer of the state therefor."

How authority obtained to create obligations in case of deficiency.

"Sec. 2313. In case of any deficiency in any of the appropriations for the expenses of an institution, department or commission of the state for any biennial period, which may lawfully and by any unforeseen emergency happen when the general assembly is not in session, the trustees, managers, directors or superintendent of such institution, or the officers of such department or commission, may make application to the board for authority to create obligations within the scope of the purpose for which such appropriations were made. Such applicant shall fully set forth to the secretary in writing the facts in connection with the case. As soon as can be done conveniently, the secretary shall arrange for a meeting of the board, and shall notify the applicant of the time and place of the meeting, and request his presence. No authority shall be granted with the approval of less than four members of the board, who shall sign it."

What written authority shall specify and where filed.

"Sec. 2313-1. The written authority provided for in section 2313 shall specify the amount in which and the purposes for which obligations may be created as therein provided. It shall be filed with the auditor of state and he shall open an account in his office in accordance therewith for the payment of any obligation authorized as provided in section 2313. The applicant receiving such authority shall issue proper vouchers to the auditor of state, as provided by section two hundred and forty-four of the General Code. Upon receipt of such vouchers the auditor, if satisfied as provided in said section that the claim presented is due and payable, shall draw his warrant on the treasurer of state against any appropriation for the uses and purposes of the emergency board."

Contingent appropriations and how applied.

"Sec. 2313-2. The General Assembly may provide at the time of making the appropriations for the expenses of the various institutions, commissions and departments of state a contingent appropriation for the uses and purposes of the emergency board. Such appropriation unless otherwise specifically provided by law shall be applied exclusively to the payment of deficiencies in other current appropriations as provided by sections 2312, 2313, 2313-1. Except as provided in said sections, no officer, board, com-

mission or department of state shall have authority to create any deficiency, nor to incur any indebtedness on behalf of the state. The emergency board provided for in said sections may not in any biennial period authorize the expenditure of any sum or sums of money exceeding in the aggregate the amount appropriated for its uses and purposes as hereinbefore provided.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 2312 and 2313 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
173 G.

[Senate Bill No. 162.]

AN ACT

To amend sections 1819, 1820, 1948, 1949, 1950, 1952, 1956, 1957, 1991, 1993, 2035, 2046 and 2047 and to repeal sections 2039, 2040 and 2043 of the General Code, relating to state institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1819, 1820, 1948, 1949, 1950, 1952, 1956, 1957, 1991, 1993, 2035, 2046 and 2047 of the General Code be amended to read as follows:

Finding of judge or superintendent reported to Ohio board of administration.

Sec. 1819. If the judge or superintendent finds that the person whose commitment or admission is requested has not a legal residence in this state, or his legal residence is in doubt or unknown, and is of the opinion that such person should be committed or admitted to such institution, he shall notify without delay the Ohio board of administration, giving his reasons for requesting commitment or admission.

Proceedings by Ohio board of administration.

Sec. 1820. The Ohio board of administration by a committee, its secretary, or such agent as it designates, shall investigate the legal residence of such person, and may send for persons and papers and administer oaths or affirmations in conducting such investigation. At any time after investigation is made, and before or after the admission, or commitment to such institution, a non-resident person whose legal residence has been established may be transported thereto at the expense of this state.

Ohio board of administration may fix or alter hospital districts.

Sec. 1948. The Ohio board of administration may divide the state into districts, for the purpose of regulating the admission of patients into state hospitals for insane

named in the preceding section and fix the quota of each county therein, so as to secure equality among the counties in proportion to population as indicated by preceding federal census, and to promote their convenience in this regard. The Ohio board of administration may change the boundaries of such districts, from time to time, as may be necessary and expedient.

Action effective on approval of governor.

Sec. 1949. Regulations made under the preceding section shall not be effective until submitted to the governor and approved by him. After such approval, the Ohio board of administration shall notify the judge of the probate court of the counties affected by any change of district or quota.

Who may be admitted; nonresidents.

Sec. 1950. No person shall be admitted into any such hospital, who is not an inhabitant of the state, except by authority of the Ohio board of administration as provided by law. Within the meaning of this section, no person shall be considered an inhabitant who has not resided in the state one year next preceding the date of his or her application. No person is entitled to the benefits of the provisions herein except those whose insanity occurred during the time of his or her residence in the state. The board may direct the discharge of a person when they deem it expedient.

Transfer from one hospital to another.

Sec. 1952. If, at any time, any such hospital cannot accommodate the patients of the district to which it is attached, or if the best interests of a patient make his transfer advisable, with the consent and written approval of the superintendents interested, the Ohio board of administration may order the transfer of such patients to the hospital of either of the other districts, which at that time has room for such patients. When such transfer is at the request of relatives or friends of inmates, it shall be at their expense. All other transfers shall be at the expense of the hospital from which they are transferred. Upon the request of the probate judge of any county, the Ohio board of administration may authorize the commitment of an insane person to a hospital located in another hospital district, if the reasons set forth in the application warrant such action.

Court shall have certificate of two medical witnesses.

Sec. 1956. Unless for good cause the investigation is adjourned, the judge, at the time appointed, shall proceed to examine the witnesses in attendance. Upon the hearing of the testimony, if he is satisfied that the person charged is insane, he shall cause a certificate to be made out by two medical witnesses in attendance that the person is insane to the best of their knowledge and belief. The medical witnesses must have at least five years' experience in the practice of medicine, shall not be related, by blood or marriage, to the person alleged to be insane or to the person making the application for commitment, nor have any official connection with any state hospital. The medical certificate shall contain answers to such interrogatories as the Ohio board of administration, with the advice of the superintendents of the several hospitals, prescribes.

Form and rules as to medical certificates.

Sec. 1957. The medical certificate shall be printed by the Ohio board of administration, and not be modified oftener than once each year. Sufficient copies shall be furnished the probate courts of the respective counties. All medical certificates shall be void after ten days from the date of issue, if the persons named therein are not admitted to a state hospital within that time. In the same manner there shall be prepared and distributed forms for use in commitments to the Ohio hospital for epileptics and to the institution for feeble-minded.

Termination of terms of commissioners.

Sec. 1991. The commissioners may furnish and occupy such buildings as become ready for occupancy during the work of construction and until such time as the governor deems it to the interests of the hospital and the state to direct the Ohio board of administration to assume the management thereof. Upon the issuance of such order the terms of the commissioners shall terminate.

Transfer to Lima state hospital, when.

Sec. 1993. The superintendent of a state hospital for insane may make application to the Ohio board of administration for an order of transfer to the Lima state hospital of any or all inmates thereof that exhibit dangerous or homicidal tendencies, rendering their presence a source of danger to others. The board, upon satisfaction that such order is advisable, may order the transfer of such persons to the Lima state hospital.

Ohio hospital for epileptics.

Sec. 2035. The asylum for epileptics and epileptic insane, at Gallipolis, shall be known as the Ohio hospital for epileptics, and shall be under the control and management of the Ohio board of administration.

Hearing.

Sec. 2046. Not more than five days after the application is filed, on the day fixed by him, the probate judge shall examine and inquire whether the alleged epileptic is a suitable person for admission to the hospital, and for such purpose may subpoena witnesses. He shall subpoena two medical witnesses who have the qualifications mentioned in section 1955, and, if necessary, may issue his warrant commanding the alleged epileptic to be brought before him. If deemed unsuitable to bring him into the probate court, the judge shall personally visit such person, and certify that he has so ascertained his condition by actual inspection. The other proceedings then may be had in the absence of such person.

Conveyance to hospital.

Sec. 2047. Unless for good cause the investigation is postponed, the judge shall proceed with the examination at the time appointed. If satisfied that the person alleged is an epileptic and a suitable person for treatment at the hospital, he shall cause a certificate to be made by the medical witnesses in attendance, upon a form prepared and distributed in the manner described in sections 1956 and 1957. The judge shall transmit the application with the accompanying papers, including the certificate of the physician to the manager of the hospital, who shall advise him whether the patient can be received, and at what time.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 1819, 1820, 1948, 1949, 1950, 1952, 1956, 1957, 1991, 1993, 2035, 2046 and 2047, and also sections 2039, 2040 and 2043 of the General Code be and the same are hereby repealed. Repeals.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
174 G.

[Amended Senate Bill No. 31.]

AN ACT

To amend sections 1182, 1183, 1184-4, 1185, 1186, 1190, 1191, 1192, 1193, 1195, 1197, 1191-1, 1200, 1201, 1202, 1203, 1203-1, 1206, 1208, 1210-1, 1211, 1212, 1215, 1216, 1222, 1223, 1225, 1226, 1227 and 1228 of the General Code, and to add supplemental sections 1184-5 and 1231-4 of the General Code, relating to the state highway department.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1182, 1183, 1184-4, 1185, 1186, 1190, 1191, 1192, 1193, 1195, 1197, 1199-1, 1200, 1201, 1202, 1203, 1203-1, 1206, 1208, 1210-1, 1211, 1212, 1215, 1216, 1222, 1223, 1225, 1226, 1227 and 1228 of the General Code be amended and supplemental sections 1184-5 and 1231-4 of the General Code be enacted to read as follows:

Division engineers, secretary, clerks, stenographers, salaries, bonds.

Sec. 1182. The state highway commissioner may also appoint the following division engineers: Four in the bureau of construction, two in the bureau of maintenance and repair, and two in the bureau of bridges. He may also appoint as many additional division engineers as may become necessary to carry out the provisions of this chapter. Each of said division engineers shall be paid a salary to be fixed by the state highway commissioner not to exceed $2500.00 per annum, and each of whom shall be paid in addition to his salary, his actual traveling expenses. Said state highway commissioner may also appoint a chief clerk who shall receive a salary, fixed by the highway commissioner, not to exceed $2000.00 per annum. Not to exceed sixty per cent. of the appointees shall be of the same political party. He may also appoint a secretary, who shall receive a salary fixed by the highway commissioner not to exceed $200.00 per annum and his actual traveling expenses, not to exceed $600.00 per annum, and as many additional clerks or stenographers, and such superintendents, inspectors and other employes, and he may purchase such equipment, as he may

consider necessary to carry out the provisions of this chapter. Each of the said employes shall be paid a salary to be fixed by the state highway commissioner, with the consent of the governor. The highway commissioner may require all of the appointees heretofore mentioned to give bond in such amount and with sureties to be approved by him and conditioned on the faithful performance of the duties of their office or employment. If the surety be a qualified surety company, the premium on such bond or bonds, including the bond of the state highway commissioner, shall be paid out of any fund or funds for the contingent expenses of the department.

Powers and duties of commissioner.

Sec. 1183. The state highway commissioner shall have general supervision of the construction, improvement, maintenance and repair of all highways, bridges and culverts which are constructed, improved, maintained or repaired with or by the aid of state money. He shall aid county commissioners in establishing, creating and preparing suitable systems of drainage of highways, and advise with them as to the construction, improvement, maintenance and repair of highways, and he shall approve the design, construction, maintenance and repair of bridges and culverts. He shall cause plans, specifications and estimates to be prepared for the construction, maintenance or repair of bridges and culverts, when so requested by the authorities having charge thereof; he shall carry into operation the provisions herein relating to his office and all other laws providing for the co-operation of the state with local authorities in the construction, improvement, maintenance and repair of public roads, bridges and culverts. He shall make inquiry in regard to systems of road and bridge construction and maintenance wherever he may deem it advisable, conduct investigations and experiments, either in person, by deputy or engineer, in regard to the best methods of road and bridge construction and the best kinds of road and bridge materials, examine, the chemical and physical character of such materials, and he may prepare and publish and distribute bulletins and reports. He may cause to be made such surveys, plats, profiles, specifications and estimates of those highways hereinafter referred to as "inter-county highways and market roads" as he may deem necessary. All expenses incurred by reason of the provisions of this chapter shall be paid out of any fund or funds available for the use of the department.

Open meetings in each county for instruction.

He may call open meetings to be held within each county of the state, for the purpose of affording instruction relative to matters pertaining to road and bridge construction, maintenance and repairs. Such meetings shall be conducted by the state highway commissioner or his representative.

Upon receipt of the notice from the state highway commissioner, the county commissioners shall call such meeting on the date set by the state highway commissioner and

shall be present themselves and notify the county engineer, the trustees of each township and the superintendent of each road district within the county, to be present at such meetings in person. Each of the county, township and road district officials above mentioned shall be paid the regular per diem allowance, in the usual manner for the actual time in attendance at such meetings.

The highway commissioner may cause to be run a car or cars for the purpose of demonstrating the various methods of constructing, maintaining and repairing roads and highways.

"Inter-county highways," designation of.

Sec. 1184-4. It shall be the duty of the state highway commissioner and his deputies to determine from the statistics and information furnished the state highway commissioner, the relative importance, and value for commerce, of the various public highways of the entire state. They shall designate by name and number the main roads of the state which shall be known as "inter-county highways"; and the parts thereof in each county shall be designated so as to form as near as practicable continuous and connected highways and shall designate the order of their relative importance within the county. They shall begin work as soon as the necessary information is furnished the state highway commissioner, and shall complete the work and file their report with the governor within two hundred and forty days from the date of commencing the work, unless further time be granted them for such purpose by the governor. So much of such report shall be printed under the direction of the state highway commissioner as he may deem necessary and a copy thereof shall be immediately furnished the board of county commissioners of each county of the state and shall be carefully preserved in the office of the county auditor thereof. After the filing of such report, the state highway commissioner may, subject to the approval of the governor, designate additional routes as "inter-county" highways, and main market roads, and he may change to a more practicable location, the route of any "inter-county" highway or main market road."

Report to governor.

Additional routes as "inter-county highways."

Right of entry by employe.

Sec. 1184-5. A person employed in the execution of any survey authorized by the state highway commissioner, without doing unnecessary injury thereby, may enter upon any lands within the state for the purpose of reconnaissance, surveying, leveling, and of doing any work necessary to carry out the provisions of this chapter. Proceedings relative to damages shall be held the same as is provided in sections 2819-2821 of the General Code.

Application for state aid; correction of application or petition.

Sec. 1185. The commissioners of a county may make application to the state highway commissioner for aid from an appropriation by the state or from any fund available for the construction, improvement, maintenace, or repair of "inter-county" highways. Such application shall be filed prior to January first of the calendar year in which such appropriation may be made or become available. If

the county commissioners have applied prior to January first and upon examination of the application by the state highway commissioner, it is found to be irregular, it shall be his duty to immediately notify the board of county commissioners and request that they make the proper correction or amend the petition and return the same to the office of the state highway commissioner on or before the first of February next succeeding. If the county commissioners have not made use of the apportionment to such county on or before the first day of May next succeeding, then the state highway commissioner shall enter upon and construct, improve, maintain or repair any of the inter-county highways or parts thereof of said county, either by contract, force account, or in such manner as the state highway commissioner may deem for the best interests of the public, paying the full cost and expense thereof from the said apportionment of the appropriation to said county so unused as aforesaid. Any part of the apportionment to a county remaining unexpended shall remain to the credit of such county and be available for the succeeding year as herein provided.

Duty of commissioner when county has not used apportionment; unexpended balance.

Sec. 1186. Each application for state aid in the construction, improvement, maintenance or repair of highways shall be accompanied by a proper certified resolution of the county commissioners, stating that the public interest demands the improvement of the highway therein described; and that the description does not include any portion of the highway in the limits of any municipality. Provided, also, that when all the inter-county highways within a county have been improved to the standard specified by the state highway commissioner, then the appropriation may be used, in the construction, improvement, maintenace or repair of any section of highway within such county. Each application for state aid shall also contain an agreement on the part of the county commissioners to pay one-half of the cost and expense of surveys and other expenses preliminary to the construction, improvement, maintenance or repair of said highway.

Resolution and agreement shall accompany application.

Sec. 1190. If the state highway commissioner approves the application or part thereof, he shall if necessary cause a map of the highway in outline and profile to be made and indicate thereon any change of existing lines if he deems it of advantage to make such change. He shall cause to be made plans and specifications and estimates for telford, macadam, brick or gravel or any other suitable material or methods of construction. In determining the kind of improvement, he shall take into consideration the climate and soil of the locality, the materials available in the vicinity and the extent and nature of the traffic thereon. The highway when constructed, shall be firm, smooth and convenient for travel at all seasons of the year.

Plans, specifications and materials.

Sec. 1191. The state highway commissioner shall cause plans, specifications and estimates to be made for the construction or improvement of all bridges and culverts upon

Plans and specifications for bridges and culverts; cost.

the section of highway to be improved. A certified copy of such plans, specifications and estimates shall be transmitted to the county commissioners as provided for in section 1193 (section 20). The cost of such construction shall be apportioned equally between the state and county in which the improvement is made, except as provided in section 1210-1. The state highway commissioner shall so far as is possible standardize the plans and specifications for bridge construction, and furnish such plans and specifications with estimates of cost of construction to the county commissioners or township trustees upon application for use upon other than inter-county highways.

Width of roadway.

Sec. 1192. The improved permanent roadway of such highway shall not be less than ten nor more than twenty feet in width unless for special reasons the state highway commissioner requires a greater width. The highway may be improved to a greater width than twenty feet if there is a stipulation in the application that abutting property owners will pay the added cost and expense of such improvement. The state highway commissioner may also improve a highway to a greater width than herein specified if the county commissioners therefor agree to pay such added cost, or such county commissioners, township trustees and abutting property owners may join in an application for an increase of width of an improvement by jointly agreeing to pay the added cost and expense thereof. All highways improved under the provisions of this chapter, shall conform to the standard prescribed by the state highway department.

Cost and expense.

Sec. 1193. Upon the completion of the maps, plans and specifications of the proposed highway improvement, the state highway commissioner shall cause estimates to be made of the cost and expense of its construction and transmit to the county commissioners, together with the certificate of approval thereof, copies of such maps, plans and specifications.

Applicants must provide right of way.

Sec. 1195. If the line of a highway proposed to be improved under the provisions of this act deviates from the existing highway, or if it is proposed to change the channel of a stream in the vicinity of the highway, the officials making application for such improvement must provide the requisite right of way. If the board of county commissioners are unable to contract upon fair and equitable terms with the owner or owners of such land, or property, as may be necessary for such change or alteration; or if additional right of way is required for the same, and if such owner or owners of the land or property in question refuse to sell or contract with the commissioners of the county, for a reasonable compensation for such land or property required for such change or alteration, then the board of county commissioners as the case may be, may by resolution condemn and appropriate for public use such land or property, and upon the deposit of the amount of money as determined by said board of county commissioners with the probate court of the county, for such owner or owners, the

board of county commissioners shall be authorized to take immediate possession of and enter upon said lands for such purposes. The county commissioners are hereby authorized to issue their order upon the county auditor, in favor of the probate judge, who shall hold such moneys until such litigation is decided. The right of appeal of any person in interest shall be allowed in the manner as contained in section 7517 of the General Code.

When state commissioner may provide right of way.

If the line of any highway proposed to be improved by the state highway commissioner without the co-operation of county commissioners deviates from the existing highway, or if it is proposed to change the channel of a stream in the vicinity of such highway, the state highway commissioner may provide the requisite right of way, allowing reasonable damages and compensation in securing the same, which shall be charged as a part of the cost of such improvement. If the state highway commissioner is unable to contract upon fair and equitable terms with the owner or owners of such land or property as may be necessary for such change or alteration, or as may be necessary in order to secure material to improve such highway, or if additional right of way is required for the same, and if such owner or owners of the land, property or material in question refuse to sell or contract with the state highway commissioner for reasonable compensation or damages or both, for such land, property or material required for such change, alterations or improvement, the state highway commissioner shall condemn and appropriate for public use such land, property or material, and upon the deposit of the amount of money, as determined by the state highway commissioner, with the probate court of the county in which the highway improvement is located, for such owner or owners, the state highway commissioner shall be authorized to take immediate possession of, and enter upon said lands for said purposes. The state highway commissioner is hereby authorized to issue an order upon the state auditor in favor of the probate judge, who shall hold such moneys until such litigation is decided.

Appeal.

An appeal from the amount of compensation or damages allowed by the state highway commissioner for the payment of land, property or material so condemned, and appropriated for public use, shall be allowed to the probate court of the county. The appeal shall be perfected and docketed and other proceedings followed as provided in sections 7517-7523 of the General Code, except that the appellants shall be the plaintiff and the state highway commissioner the defendant.

County commissioners may apply for improvement of road.

Sec. 1197. Under the provisions of this chapter, the commissioners of a county by resolution may apply for the improvement of a public highway or section thereof at least one mile in length, or less than one mile in length if it is an extension of or connected with a permanently improved road, street or highway of approved construction.

Nothing in this chapter shall be construed as preventing or forbidding the local authorities from constructing, maintaining or repairing any part of the inter-county highways or main market roads, provided however that the plans and specifications shall first have been submitted to the highway commissioner and shall have received his approval.

Petition by abutting owners for improvement.

Sec. 1199-1. If the owners of twenty-five per cent. or more of the lineal feet abutting on an inter-county highway petition the county commissioners for its construction, improvement, maintenance or repair under the provisions of this chapter, the county commissioners shall grant the petition, if they are of the opinion that the improvement will be for the best interests of the public. The county commissioners may, without the presentation of such petition, make application for aid from an appropriation by the state as provided in section 1185 of the General Code as amended.

Approval and agreement with trustees.

Sec. 1200. Before their approval of the proposed highway improvement, the county commissioners may require that the trustees of the township or townships through which it extends by resolution approve the construction of the same and agree to pay twenty-five per cent. of the cost and expense thereof, excepting the cost of construction or improvement of bridges and culverts.

Advertisement for bids.

Sec. 1201. Upon the receipt of the application and certified copy of the resolution of the county commissioners, the state highway commissioner shall advertise for bids for two consecutive weeks in two newspapers of general circulation and of opposite politics, published in the county in which the improvement is to be made, and he shall also have the authority to advertise in such other publications as he may deem necessary. Such notice shall state that plans and specifications for the improvement are on file in the offices of the state highway commissioner and county commissioners, and the time in which bids therefor will be received. The state highway commissioner shall award the contract to the lowest responsible bidder.

Award of contract.

Sec. 1202. No contract for an improvement shall be awarded at a greater sum than the estimate of the cost of its construction. The bids received for an improvement shall be filed and opened at the time stated in the notice and shall conform to such other regulations as the state highway commissioner may direct. If no acceptable bid is made within the estimate, the state highway commissioner may either re-advertise the work or amend the estimate, certify the same to the county commissioners, and upon their adoption of the amended estimate, again proceed to advertise for bids and award the contract as provided in the preceding section. The highway commissioner may under the provisions of this chapter contract for the construction or improvement of bridges and culverts or the grading required for an improvement, and may defer making contract for surfacing until such grade has become stable and solid.

Bond of contractor.

Sec. 1203. The state highway commissioner may reject any or all bids. Before entering into a contract he shall require a bond with sufficient sureties conditioned that if the proposal is accepted, the contractor will perform the work upon the terms proposed, within the time prescribed and in accordance with the plans and specifications, and will indemnify the state and county against any damages that may be claimed by reason of the negligence of the contractor in the construction of the improvement. The bond as above required, shall be in an amount not to exceed one hundred and fifty per cent. of the contract price and may include indemnity against liens and claims for material and labor furnished in the construction of the improvement. An approved surety company may be accepted as surety on such bonds. In no case shall the state be liable for damages sustained by reason of the construction of an improvement under this chapter.

Powers of highway commissioner on failure of contractor to complete contract.

Sec. 1203-1. If the contractor has not commenced or carried forward with reasonable progress or is improperly performing or has abandoned, or fails or refuses to complete a contract under the provisions of this chapter, the state highway commissioner shall have full power and authority to enter upon and construct, either by contract, force account or in such manner as he may deem for the best interests of the public, paying the full cost and expense thereof from any moneys that may be due or become due such contractor, and in case there is not sufficient moneys due the contractor to pay for said work, the highway commissioner shall require the contractor or his bondsman to pay for it. It is the duty of the attorney general or any prosecuting attorney of the county in which said highway is situated, to collect the same from the contractor and his bondsman.

Proportions of cost, how paid.

Sec. 1206. The state's proportion of the cost and expense of the construction, improvement, maintenance or repair of any highway under the provisions of this chapter shall be paid by the treasurer of state upon the warrant of the auditor of state issued upon the requisition of the state highway commissioner from an appropriation made to carry out its provisions. The county's, township's and property owner's proportion of the cost and expense of such construction, improvement, maintenance and repairs, shall be paid by the treasurer of the county, in which the highway is located upon the warrant of the county auditor, issued upon the requisition of the state highway commissioner from any funds in the county treasury for the construction, improvement, maintenance or repair of roads and bridges.

How cost and expense apportioned; notice of apportionment.

Sec. 1208. Except as otherwise provided, one-fourth of the cost and expense of such improvement, except the cost and expense of bridges and culverts, shall be apportioned to the township or townships in which such road is located. Of the amount so apportioned, three-fifths shall be a charge upon the whole township or townships and two-

fifths shall be a charge upon the property abutting on the improvement. The township trustees shall apportion the amount to be paid by the owners of the abutting property according to the benefits accruing to the owners of land so located. At least ten days' notice of the time and place of making such apportionment shall be given to the persons affected thereby, and an opportunity given them to be heard in the manner provided by law for the assessment of the cost and expense of establishing township ditches. If the improvement lies in two or more townships, the amount to be paid by each shall be apportioned according to the number of lineal feet of the improvement lying in each township.

Power of waiver by commissioners and township trustees.

Sec. 1210-1. The county commissioners of a county in which a highway is constructed under the provisions of this act may, by resolution, waive any part or all of the apportionment of the cost and expense of such highway as herein provided to be paid by the township or townships or abutting property owners, and assume any part or all of the cost and expense of such highway improvement in excess of the amount received from the state up to the entire cost and expense of such highway improvement without any assessment whatsoever upon any township or townships or the property abutting on such highway. The township trustees of any township in which a highway is constructed under the provisions of this chapter may, by resolution, waive any part or all of the apportionment of the cost and expense of such highway as herein provided to be paid by the county or abutting property owners and assume any part or all of the cost and expense of such highway improvement in excess of the amount received from the state up to the entire cost and expense of such highway improvement without an assessment upon the county or owners of abutting property upon such highway.

How payment for construction shall be made.

Sec. 1211. Payment of the cost of construction of such improvement shall be made as the work of construction progresses, upon estimates made by the engineer in charge of the work when approved by the state highway commissioner. No payment made by the state or county on a contract for such work before its completion shall be in excess of eighty-five per cent. of the value of the work performed. Fifteen per cent. of the value of the work performed shall be held until the completion of the contract in accordance with the plans and specifications.

How contracts shall be made.

Sec. 1212. Each contract under the provisions of this chapter shall be made in the name of the state, signed by the state highway commissioner or deputy, attested by the chief clerk of the department. The contract shall be approved by the commissioners of the county in which the improvement is made, provided the county assumes any portion of the cost and expense of the improvement. No contract shall be let by the highway commissioner or work under this chapter be authorized unless the county commissioners of the county in which the improvement is to be

made shall have made a written agreement to assume in the first instance the share of the cost and expense over and above the amount to be paid by the state. Such agreement shall be filed in the office of the state highway commissioner, with the approval of the attorney general thereon as to form and legality.

Employment of engineer and assistants.

Sec. 1215. The state highway commissioner shall employ a competent engineer and assistants to make the necessary surveys and plans for a proposed highway improvement. Such engineer may also be employed to superintend the work of construction of such improvement, and shall be compensated for each day employed in such service, not to exceed six dollars per day, and actual expenses. With the approval of the highway commissioner, he may employ such assistants as may be necessary. Each of said assistants shall be compensated in an amount to be fixed by the engineer with the consent of the state highway commissioner.

Payment for county line highway.

Sec. 1216. The board of county commissioners of two or more counties may agree to pay, over and above the amount assumed by the state, the costs and expense of the construction, improvement, maintenance or repair of a county line highway, and assess to such counties such proportion as they determine.

Equal apportionment among counties.

Sec. 1222. Moneys appropriated by the state for the purpose of carrying out the provisions of this chapter, shall not be used in any manner or for any purpose, except as provided herein. Moneys so appropriated shall be equally divided among the counties of the state, except such moneys as are appropriated for the use of the department and for surveys, plans and estimates, and the maintenance and repair of state highways.

Tax levies.

Sec. 1222-1. For the purpose of providing a fund for the payment of the proportion of the cost and expense to be paid by the county for the construction, improvement, maintenance or repair of highways under the provisions of this chapter, the county commissioners are hereby authorized to levy a tax not exceeding one mill upon all taxable property of the county. Said levy shall be in addition to all other levies authorized by law, for county purposes, subject however to the maximum limitation upon the total aggregate amount of all levies now in force.

For the purpose of providing a fund for the payment of the proportion of the cost and expense to be paid by the township or townships for construction, improvement, maintenance or repair of highways under the provision of this chapter, the county commissioners or township trustees are hereby authorized to levy a tax not exceeding three mills upon all taxable property of the township or townships in which such road improvement is situated, in whole or in part. Such levies shall be in addition to all other levies authorized by law for township purposes, subject however to the maximum limitation upon the total aggregate amount of all levies now in force. A county may use moneys law-

fully transferred from any fund in place of the taxes required under the provision of this chapter.

Sec. 1223. The county commissioners, in anticipation of the collection of such taxes and assessments, and whenever in their judgment it is necessary, are hereby authorized to sell the bonds of any such county in which such construction, improvement, maintenance or repair is to be made to an amount necessary to pay the respective shares of the county, township or townships, and the lands assessed for such improvement, but the aggregate amount of such bonds issued shall not be in excess of one per cent. of the tax duplicate of such county. Such bonds shall state for what purpose issued, and bear interest at a rate not in excess of five per cent. per annum, payable semi-annually, and in such amounts to mature in not more than ten years after they are issued, as the county commissioners shall determine. Such bonds shall be advertised once each week for four consecutive weeks in two newspapers published and having a general circulation within the county. Such bonds shall be sold to the highest responsible bidder and for not less than par and accrued interest. The county commissioners may reject any and all bids. The proceeds of such bonds shall be used exclusively for the payment of the cost and expense of the construction, improvement, maintenance or repair of the highway for which the bonds were issued.

Bond issue.

Sec. 1225. The state highway commissioner shall maintain and repair all inter-county highways, main market roads, bridges and culverts, constructed by the state by the aid of state money, or taken over by the state, the state may pay the entire cost and expense thereof. Nothing in this chapter shall be construed as to prohibit any county, township, municipality or the federal government or any individual, firm or corporation from contributing any portion of the cost of the maintenance and repair of state highways.

Maintenance.

When any bridge or culvert on a state highway, shall require renewing, it shall be constructed and the cost apportioned as herein provided for the construction and improvement of bridges and culverts on inter-county highways.

It is hereby provided that the state highway commissioner may enter into a contract with an individual, firm or corporation who shall give sufficient surety bond for the faithful performance of this contract, or with the county commissioners of any county, the township trustees of any township in which such state highway is situate, for the repair and maintenance of such highway according to the plans and specifications provided by the state highway commissioner or for the furnishing of the material or the labor necessary for such repair and maintenance, or the state highway commissioner may furnish the material or labor or both and directly supervise the repair and maintenance from his office, the work being done under any conditions

Contract for repair and maintenance may be made with whom.

or contract being subject at all time to inspection and supervision of the state highway commissioner. Inter-county highways on which no state aid money has been expended, if permanently improved with construction equal to that specified by the state highway commissioner for the material used, may be taken over by the state at the discretion of the state highway commissioner or upon application of the county commissioners and shall henceforth be maintained as prescribed herein for other designated highways.

Highway may be closed for repair; procedure.

Sec. 1226. If it shall appear necessary to the highway commissioner to close a highway or section thereof which is being constructed, improved or repaired under this act, in order to permit a proper completion of such work, he shall execute a certificate and file the same in the office of the county commissioners of the county in which such highway is situated. Such certificate shall state the necessity for closing of such highway and describe the portion thereof to be closed, and not more than one mile of any highway shall be closed at any one time. The contractor shall thereupon close the same to public travel by erecting suitable obstruction and posting conspicuous notice to the effect that the highway is closed. The county commissioners shall, if practicable, provide a new location and construct a temporary highway to be used by the traveling public in lieu of the closed highway and may erect temporary bridges when necessary or cause other existing highways to be used. For the purpose of locating, constructing and erecting such temporary highway or bridge, the county commissioners may enter upon the lands adjoining or near to the closed highway and may agree with the owners of such land as to the damages, if any, caused thereby. If they are unable to agree with such owners upon the amount of damages thus sustained, the amount shall be ascertained, determined and paid as provided in section 1195 of the General Code. When, in the opinion of the highway commissioner, it becomes necessary to close a highway or portion thereof, to the public traffic, for the purpose of constructing, improving, maintaining or repairing the same, he shall have full power and authority to do so. When a road is so closed the state highway commissioner shall cause to be erected suitable signs or barricades, warning the public that the highway or part thereof, is closed to traffic. Whoever rides or drives over a highway closed to the public as provided by law, or whoever removes, destroys or molests in any way any sign, notice or barricade erected to warn the public of such closing shall be fined not less than five dollars nor more than twenty-five dollars. The state highway commissioner shall have full power and authority to open to traffic at any time any portion of highway closed as provided heretofore.

Penalty.

Definitions.

Sec. 1227. The word "highway" as used in this chapter, includes an existing causeway or bridge, or a new causeway or bridge, or a drain or watercourse which forms a part of a road authorized by law. The term "state highway" as used in this chapter shall be held to mean such

part or parts of the inter-county highways and main market roads which have been constructed by the state, by the aid of state money or have been taken over by the state.

Proceedings when franchise has been granted on inter-county highway.

Sec. 1228. If a franchise is or has been granted on an inter-county highway, no construction thereon or obstruction thereof shall be permitted, nor any alteration or change made thereof until the location and grade of such construction has been established by the state highway commissioner. Such location and grade shall be established within sixty days after he is notified to do so by the county commissioners.

Proportion of improvement to be maintained or paid by franchise owner.

Sec. 1231-4. Wherever one or more tracks of an individual, firm or corporation, used for the purpose of transporting freight, express or passengers, are or may be located, in whole or in part, within the roadbed of an improved inter-county highway or main market roads, or one which it is proposed to be improved it shall be the duty of the said individual, firm or corporation to improve, maintain and repair that portion of the highway lying between the ends of the ties and also that portion lying between tracks in case of two or more tracks, and the cost and expense of this improvement, maintenance and repair shall be borne by the said individual, firm or corporation. Such improvement, maintenance or repair shall be made whenever, in the opinion of the highway commissioner, the public needs require, and shall be made in accordance with plans and specifications approved by him.

The township trustees shall certify the assessment to the county auditor, who shall place it upon the tax duplicate against the property of such individual, firm or corporation. The county treasurer shall collect such assessments in the manner as other taxes are collected, and in such payments as may be approved by the county auditor.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Repeals.

SECTION 2. That said original sections 1182, 1183, 1184-4, 1186, 1190, 1191, 1192, 1193, 1195, 1197, 1197-1, 1199-1, 1200, 1201, 1202, 1203, 1203-1, 1206, 1208, 1210-1, 1211, 1212, 1214, 1215, 1216, 1222, 1223, 1225, 1226, 1227 and 1228 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
175 G.

[Senate Bill No. 34.]

AN ACT

To amend sections 11102 and 11103, and to supplement section 11103 of the General Code by a supplemental section to be known as section 11103-1, relating to the transfer of stock or merchandise and fixtures other than in the usual course of trade.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 11102 and 11103 of the General Code be amended, and that section 11103 be supplemented by the enactment of a section to be known as section 11103-1 as follows:

When transfer or assignment void.

Sec. 11102. The sale, transfer or assignment, in bulk, of any part or the whole of a stock of merchandise, or merchandise and the fixtures pertaining to the conducting of said business, otherwise than in the ordinary course of trade and in the regular and usual prosecution of the business of the sellers, transferrer or assignor, shall be void as against the creditors of the seller, transferrer, assignor, unless the purchaser, transferee or assignee demands and receives from the seller, transferrer or assignor a written list of names and addresses of the creditors of the seller, transferrer and assignor, with the amount of the indebtedness due or owing to each and certified by the seller, transferrer and assignor, under oath, to be a full, accurate and complete list of his creditors, and of his indebtedness; and unless the purchaser, transferee or assignee shall, at least five (5) days before taking possession of such merchandise, or merchandise and fixtures, or paying therefor, notify personally, or by registered mail, every creditor whose name and address appears in said list, or of which he has knowledge, of the proposed sale and of the price, terms and conditions thereof.

To whom act applies.

Sec. 11103. Sellers, transferrers and assignors, purchasers, transferees and assignees, under this act shall include corporations, associations, co-partnerships and individuals, but nothing contained in this act shall apply to sales by executors, administrators, guardians, receivers, trustees in bankruptcy or by any public officer under judicial process.

When purchaser or assignee becomes trustee.

Sec. 11103-1. Any purchaser, transferee or assignee, who shall not conform to the provisions of this act, shall at any time within ninety days after such sale upon application of any of the creditors of the seller, transferrer, or assignor, become a trustee and be held accountable to such creditors for all the goods, wares, merchandise and fixtures that have come into his possession by virtue of such sale, transfer or assignment, provided, however, that any purchaser, transferee, or assignee, who shall conform to the provisions of this act shall not in any way be held accountable to any creditor of the seller, transferrer or assignor, or to the seller, transferrer or assignor for any of the goods,

wares, merchandise or fixtures that have come into the possession of said purchaser, transferee or assignee by virtue of such sale, transfer or assignment.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original sections 11102 and 11103 of the General Code be and are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
176 G.

[Senate Bill No. 13.]

AN ACT

To amend sections 5331 and 5333 of the General Code of Ohio, pertaining to collateral inheritance.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5331 and 5333 of the General Code of Ohio be amended to read as follows:

Collateral inheritance tax; distribution.

Sec. 5331. All property within the jurisdiction of this state, and any interests therein, whether belonging to inhabitants of this state or not, and whether tangible or intangible, which pass by will or by the intestate laws of this state, or by deed, grant, sale or gift, made or intended to take effect in possession or enjoyment after the death of the grantor, to a person in trust, or otherwise, other than to or for the use of the father, mother, husband, wife, lineal descendant or adopted child, shall be liable to a tax of five per cent. of its value above the sum of five hundred dollars. Fifty per cent of such tax shall be for the use of the state; and fifty per cent. of such tax shall go to the city, village or township in which said tax originates. All administrators, executors and trustees, and any such grantee under a conveyance made during the grantor's life, shall be liable for all such taxes, with lawful interest as hereinafter provided, until they have been paid, as hereinafter directed. Such taxes shall become due and payable immediately upon the death of the decedent and shall at once become a lien upon the property, and be and remain a lien until paid.

Appraisement and deduction of property not liable.

Sec. 5333. When a person bequeaths or devises property to or for the use of father, mother, husband, wife, lineal descendant, or adopted child, during life or for a term of years, and the remainder to a collateral heir, or to a stranger to the blood, the value of the prior estate, shall be appraised, within sixty days after the death of the testa-

tor, in the manner hereinafter provided, and deducted, together with the sum of five hundred dollars, from the appraised value of such property.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 5331 and 5333 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 15th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
177 G.

[Senate Bill No. 246.]

AN ACT

To amend section 10697 of the General Code, relative to the sale of personal property by executors and administrators.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10697 of the General Code be amended to read as follows:

Personal property, executor or administrator may sell.

Sec. 10697. Within three months after the date of his bond, the executor or administrator shall sell the whole of the personal property belonging to the estate, which is liable for payment of debts and is assets in his hands to be administered, except promissory notes, unless as otherwise provided herein, and claims, demands, and rights in action which can be collected by him, and bonds and stocks when the sale thereof is not necessary to pay debts; and also except the following:

(1) Such as the widow desires to take at the valuation by the appraisers, she securing payment therefor to the executor or administrator as other purchasers;

(2) Property specifically bequeathed, until the residue of the personal estate is sold, and found to be insufficient to pay the debts of the estate;

(3) The executor or administrator may defer the sale of the emblements or annual crops raised by labor, not severed from the land of deceased at the time of his death, beyond the three months herein prescribed for the sale of the assets. These may be sold before or after they are severed from the land at his discretion, in the mode prescribed for the sale of other goods and chattels. If by the terms of a last will the testator expresses a wish that no sale of his personal property be made, the court admitting it to probate

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

at its discretion, may direct its omission. At a later period, on application of a party interested, the court may, and for good cause shall require, such sale to be made.

(4) The executor or administrator may sell and transfer, without recourse, any promissory notes secured by mortgage and the mortgage securing the same at not less than the face value thereof with accrued interest.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
178 G.

[Senate Bill No. 288.]

AN ACT

To amend sections 6563-7 and 6563-18 of an act providing for the construction of joint county ditches, passed May 31, 1911.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6563-7 and 6563-18 of an act providing for the construction of joint county ditches, passed May 31st, 1911, O. L. Vol. 102, pages 575 and 585, inclusive, be amended so as to read as follows:

Sec. 6563-7. A majority of the members of the board of commissioners of each county shall decide all questions before said joint board and all votes shall be "yea" and "nay" and recorded on the record, and if a majority of the members of the board of commissioners of each county find that said ditch or improvement shall be constructed as prayed for in said petition or in substantial compliance therewith, as may be ordered and directed by said joint board, said joint board shall have the power to change the route of said proposed ditch, keeping the general course named in the petition, and said joint board shall have the power to adjourn from time to time as the business thereof may require.

Decisions and record.

Sec. 6563-18. When all persons have been served with notice as herein provided the commissioners shall hear evidence and arguments in favor or against said petition, and shall grant or reject the prayer of said petition; provided that the prayer of such petition shall not be granted unless a majority of the members of the board of commissioners of each county vote therefor.

Hearing.

Nothing herein contained shall be construed as in anywise affecting sections 6536, 6537, 6539, 6540, 6541, 6543,

Laws not affected.

The sectional numbers herein are in conformity to the General Code.

6545, 6546, 6550, 6553, 6556, 6557, and 6558 of the General Code, or any amendment or supplemental provision thereto.

SECTION 2. That said original sections 6563-7 and 6563-18 be, and the same are, hereby repealed.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
179 G.

[Senate Bill No. 66.]

AN ACT

To amend section 7624 of the General Code so as to authorize boards of education to purchase real estate to be used as athletic fields or play grounds for children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7624 of the General Code be amended, and also supplemented by the enactment of a supplemental section to be known as section 7624-1 to read as follows:

Power to appropriate land for school purposes.

Sec. 7624. When it is necessary to procure or enlarge a school site or to purchase real estate to be used for agricultural purposes, athletic field or play ground for children, and the board of education and the owner of the property needed for such purposes are unable to agree upon the sale and purchase thereof, the board shall make an accurate plat and description of the parcel of land which it desires for such purposes, and file them with the probate judge, or court of insolvency, of the proper county. Thereupon the same proceedings of appropriation shall be had which are provided for the appropriation of private property by municipal corporations.

Municipality may convey real property to board of education.

Sec. 7624-1. A municipal corporation may by ordinance duly passed authorize the transfer and conveyance by deed, of any real property owned by it and not needed for municipal purposes, to the board of education of any such municipality, to be used by said board of education as an athletic field, a play ground for children or for school sites, upon such terms and conditions as are agreed to between the municipal corporation and the board of education and when such property is so conveyed, the same shall be under the control and supervision of such board of education.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 7624 of the General Code, be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.

180 G.

[Senate Bill No. 47.]

AN ACT

Amending section 6727 of the General Code of Ohio, relating to the removing of obstructions from waterways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6727 of the General Code be amended to read as follows:

Who may remove drift.

Sec. 6727. A person injured by a drift of wood, sand, gravel or other substance produced casually or by growing weeds, willows, bushes of any kind or any other obstruction in the channel or on the banks of a stream or watercourse upon the lands of another, after three days' notice previously given in writing to the owner or occupant of such lands, if they be occupied and, if not occupied, without notice, may enter thereon, with such assistance as is necessary, and remove such obstruction.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 6727 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 15th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.

181 G.

[Senate Bill No. 69.]

AN ACT

To amend section 915 of the General Code, to provide for a mine rescue car and necessary equipment therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 915 of the General Code be amended to read as follows:

Mine rescue car and necessary equipment therefor; instruction and demonstration.

Sec. 915. The chief inspector of mines shall provide and maintain, at the expense of the state, one rescue car fully equipped with not less than twelve approved oxygen breathing devices complete, one recharging equipment for recharging oxygen cylinders, twelve extra oxygen cylinders, two resuscitating outfits complete, forty approved safety lamps, one naphtha tank, twenty portable electric lamps complete, with storage batteries, and all necessary instruments and chemical tests, together with all necessary supplies and appliances therefor. The rescue car with its equipment, shall be stationed at such point as may be designated by the chief inspector of mines, and may be transferred, by his direction, at any time to any point within the state for the purpose of facilitating the efficient inspection of mines and conducting rescue work, and to demonstrate the various appliances and instruct persons in their use in first aid and rescue work.

The rescue car with its equipment shall be continuously in charge of one person who shall be appointed by the chief inspector of mines, with the approval of the governor, and who shall receive a salary of twelve hundred dollars per annum, together with all necessary expenses incurred in the discharge of his duties.

The person in charge of said rescue car shall, before entering upon the discharge of the duties connected therewith, give a bond to the state in the sum of two thousand dollars with two or more sureties approved by the governor conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the governor and the oath of office endorsed thereon shall be deposited with the secretary of state and kept in his office.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 915 of the General Code is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
182 G.

[Senate Bill No. 84.]

AN ACT

To amend section 1706 of the General Code relative to the practice of law.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1706 of the General Code be amended to read as follows:

Who shall not practice.

Sec. 1706. No person shall practice as an attorney and counsellor at law in any court of this state who does not reside in the state, or is not a citizen of the United States, or who is a sheriff, coroner or deputy sheriff. No judge of any court of record in Ohio, while holding commission as such judge, shall engage in the practice of law during his term of office, either by appearing in court, by acting as advisory or consulting counsel for attorneys or others, by accepting employment or acting as an attorney, solicitor, collector or legal advisor for any bank, corporation, loan or trust company, or otherwise engaging in the practice of law in Ohio, in or out of the courts. No clerk of the supreme court or of the common pleas, or the deputy of either shall practice in the particular court of which he is clerk or deputy clerk. Nothing herein shall prevent attorneys and counsellors at law, who reside without this state, practicing in this state, unless the state or territory in which they reside prohibits attorneys and counsellors at law residing in this state practicing therein. Nothing herein contained shall prevent a judge of any court of this state from finishing business by him undertaken in the United States district court, the United States circuit court of appeals or supreme court of the United States, prior to his election as judge. An alien who has declared his intention to become a citizen of the United States may practice as if he were a citizen.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 1706 of the General Code is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
183 G.

[Senate Bill No. 268.]

AN ACT

To amend section 13383-1 of the General Code, to prevent the publication of derogatory statements affecting the solvency of banks and the value of stocks and bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13383-1 of the General Code be so amended as to read as follows:

Sec. 13383-1. Whoever, directly or indirectly, wilfully and knowingly makes or transmits to another, or circulates, or counsels, aids, procures or induces another to make,

False statement affecting solvency of banks or value of stocks and bonds; penalty.

transmit or circulate, any false or untrue statement, rumor or suggestion derogatory to the financial condition, solvency or financial standing of any bank, savings bank, banking association, building and loan association or trust company, doing business in this state, or with intent to depress the value of the stocks, bonds or securities of any corporation, directly or indirectly, wilfully and knowingly makes or transmits to another, circulates, or counsels, aids, procures or induces another to make, transmit or circulate, any false or untrue statement, rumor or suggestion derogatory to the financial condition, or with respect to the earnings or management of the business of any corporation, or resorts to any fraudulent means with intent to depress in value the stocks, bonds or securities of any corporation shall be fined not more than one thousand dollars or imprisoned in the penitentiary not more than two years, or both.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 13383-1 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed April 28th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.

184 G.

[Senate Bill No. 159.]

AN ACT

To amend section 3763 of the General Code, prohibiting bridge or railway lights being placed to obstruct a clear view of any fixed signal.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The section 3763 of the General Code be amended to read as follows:

Specifications in ordinance.

Sec. 3763. The ordinance shall specify the manner in which such bridge or railway shall be lighted, the number and style of lamp posts, gas posts, electric lights or other lights and fixtures, and the time such lights shall be kept burning in each twenty-four hours; but no such lights, poles or fixtures, nor any lights, poles or fixtures, located by any municipal corporation on its streets, alleys or public grounds shall be required to be so placed as to interfere with a clear view of any fixed signal used in the operation of such railroad from such points thereon as such view is required for safe operation. And all lights, poles or fixtures heretofore placed so as to interfere with such clear view shall, within a reasonable time, be re-located to conform to this act. Provided, however, that nothing herein contained shall be construed as excusing any railway company from lighting its bridges and tracks, when required

Removal of lights and fixtures obstructing view of fixed signal.

so to do or from paying any reasonable assessment or charge therefor.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said section 3763 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
185 G.

[Senate Bill No. 165.]

AN ACT

To supplement section 10989 of the General Code, to provide for the appointment of guardians for persons confined in state, benevolent and penal institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10989 of the General Code be supplemented by the addition of sections 10989-1 and 10989-2, to read as follows:

Sec. 10989-1. Upon satisfactory proof that a person resident of the county, or having a legal residence therein, is confined in any state, benevolent or penal institution under the order of any court, the probate court may on its own motion, or upon application, appoint a guardian for such person. No guardian shall be so appointed until at least three days' written notice to the person so confined and the persons next of kin resident in the county of such person is given to attend at the same time and place, which shall be served by delivering a copy of it to each person named therein, or by leaving a copy at his usual place of residence.

Guardian for person confined in state institution.

Sec. 10989-2. Laws relating to guardians for minors, idiots, imbeciles and lunatics, and pointing out the duties, rights and liabilities of such guardians and their sureties, shall be applicable to guardians appointed under the provision of section 10989-1 of the General Code.

Laws applicable.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
186 G.

[Senate Bill No. 161.]

AN ACT

To amend section 7908 of the General Code, to authorize tax levy for municipal universities and for other purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7908 of the General Code be amended to read as follows:

Tax levies.

Sec. 7908. The council annually may assess and levy taxes on all the taxable property of such municipal corporation to the amount of five-tenths of one mill on the dollar valuation thereof, less the amount necessary to be levied to pay the interest and sinking fund on all bonds issued for the university subsequent to June 1, 1910, to be applied by such board to the support of such university, college or institution and also levy and assess annually five one-hundredths of one mill on the dollar valuation thereof, for the establishment and maintenance of an astronomical observatory, or for other scientific purposes, to be determined by the board of directors and to be used in connection with such university, college or institution, the proceeds of which shall be applied by the board of directors for such purposes exclusively. But such taxes shall only be levied and assessed when the chief work of such university, college or institution is the maintenance of courses of instruction, in advance of, or supplementary to, the instruction authorized to be maintained in high schools by boards of education.

The above tax levies shall not be subject to any limitations of rates of taxation or maximum rates provided by law, except the limitations herein provided, and the further exception that the combined maximum rate for all taxes levied in any year in any city or other tax district shall not exceed fifteen mills.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original section 7908 of the General Code be and it is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved April 30th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
187 G.

[Senate Bill No. 194.]

AN ACT

To amend section 2503-1 of the General Code, relating to the power of counties to appropriate money or issue bonds in aid of the construction by public authority and control of canals or waterways suitable for steamships, steamboats, barges or other vessels.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2503-1 of the General Code be amended so as to read as follows:

County may give aid to establish canal or waterway.

Sec. 2503-1. That whenever a canal or waterway of substantially definite route shall be authorized to be constructed by or under the authority, management and control of the goevrnment of the United States, or of the state of Ohio, either separately or jointly, or in co-operation with any state or states, or under the authority, management and control of any state adjoining this state, to connect the great lakes or the ocean with the navigable waters of this state, or with the navigable waters of any adjoining state, by a route situated within or partly within and partly without the state suitable for steamships, steamboats, barges or other vessels, it shall be lawful for any county situate on the route thereof or connected therewith by navigable waters, or railroad, or other highway of commerce in such manner that the construction of such canal or waterway will be for the general public benefit of the community of such county, to give aid by the appropriation of money or the issue of bonds as hereafter set forth.

Provisos.

Provided, that such canal or waterway shall be and remain exclusively a public enterprise under public management, control and operation, free from the private management or interest or possession in any wise of any individual company, corporation, association or institution, and,

Provided, further, that of any surplus of tolls, rates and charges accruing from the operation of such canal or waterway or the sale of water or water-power or from other income remaining after payment of the cost of operation, maintenance and improvement, such county shall receive such proportionate part as its contribution bears to the total sum contributed for the construction of said canal or waterway.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 2503-1 of the General Code, be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
188 G.

[Senate Bill No. 87.]

AN ACT

To amend section 2169 of the General Code, relating to the parole of prisoners in the Ohio penitentiary.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Section 2169 of the General Code shall be amended to read as follows:

Rules and regulations as to parole of prisoners.

Sec. 2169. The Ohio board of administration shall establish rules and regulations by which a prisoner under sentence other than for treason or, murder in the first or second degree, having served the minimum term provided by law for the crime of which he was convicted and who had not previously been convicted of felony or served a term in a penal institution, or prisoner under sentence for murder in the second degree having served under such sentence ten full years, may be allowed to go upon parole outside of the building and enclosure of the penitentiary. Full power to enforce such rules and regulations is hereby conferred upon the board, but the concurrence of every member shall be necessary for the parole of a prisoner. The board may designate geographical limits, within and without the state, to which a paroled prisoner may be confined, or may at any time enlarge or reduce such limits, by unanimous vote.

Geographical limits.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 2169 of the General Code, is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 14th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
189 G.

[Senate Bill No. 160.]

AN ACT

To supplement section 1885 of the General Code, providing for additional educational opportunities for the blind.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1885 of the General Code be supplemented by the addition of section 1885-1, as follows:

Provision for further and higher education.

Sec. 1885-1. Subject to the approval of the Ohio board of administration, the superintendent may provide for the further and higher education of any pupils who in his judg-

ment are capable of receiving sufficient benefit thereby to render them more efficient as citizens by appointing readers for such persons to read from text-books and pamphlets used in their studies while in attendance as regularly matriculated students in any college, university, technical or professional school located in this state and authorized by law to grant degrees.

The sectional number herein is in conformity to the General Code. TIMOTHY S. HOGAN, Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
190 G.

[Senate Bill No. 276.]

AN ACT

To amend section 7033 of the General Code, relative to creation of a township or precinct into a road district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7033 of the General Code be amended so as to read as follows:

Sec. 7033. The board of trustees of a township, when in their opinion, it is expedient and necessary, and for the public convenience and welfare, to improve the public ways of the township, in whole or in part, by grading, macadamizing or graveling, paving with brick, cement or other suitable material, curbing, draining, culverting, and bridging, by resolution, may create the township into a road district for the purpose of improving the public ways therein, or any number of them. If, in the township, there is a municipal corporation or corporations, such trustees, by resolution, may erect the portion or portions of the townships not included within the corporate limits of a municipal corporation, into such road district. In like manner the trustees may erect an election precinct, or part thereof, in the township, into such road district.

Trustees may create township, etc., into road district.

SECTION 2. That said original section 7033 be and the same is hereby repealed.

The sectional number herein is in conformity to the General Code. TIMOTHY S. HOGAN, Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
191 G.

[House Bill No. 669.]

AN ACT

To amend sections 4949, 4950, 4951, 4952, 4953, 4954, 4955, 4956, 4959, 4960, 4961, 4963, 4964, 4967, 4968, 4969, 4970, 4973, 4974, 4984, 4986, 4987, 4988 and 4989; to supplement sections 4952, 4969 and 4991 by the enactment of sections 4952-1, 4969-1 and 4991-1, and to repeal sections 4957, 4958, 4965 and 4966 of the General Code, relating to primary elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4949, 4950, 4951, 4952, 4953, 4954, 4955, 4956, 4959, 4960, 4961, 4963, 4964, 4967, 4968, 4969, 4970, 4973, 4974, 4984, 4986, 4987, 4988 and 4989 be amended and that sections 4952, 4969 and 4991 be supplemented by the enactment of additional sections to be known as sections 4952-1, 4969-1 and 4991-1, all to read as follows:

How candidates for public offices shall be nominated.

Sec. 4949. Candidates for member of the house of representatives in the congress of the United States and for all elective state, district, county and municipal offices, delegates and alternates to national and state conventions and members of the controlling committees of all voluntary political parties or associations in this state, which at the next preceding general election polled for its candidate for governor in the state or any district, county or sub-division thereof, or municipality, at least ten per cent. of the entire vote cast therein for governor, shall be nominated or selected in such state, district, sub-division or municipality, in accordance with the provisions of this chapter, and persons not so nominated shall not be considered candidates and their names shall not be printed on the official ballots nor shall delegates or alternates to such conventions or party controlling committees, whose members have not been so selected, be recognized by any board or officer.

Provisions for nomination of candidates by petition not repealed.

Sec. 4950. Nothing in this chapter shall repeal the provisions of law relating to the nomination of candidates for office by petition, and no elector shall be disqualified from signing a petition for such nomination of candidates for office by petition, because such elector voted at a primary provided for herein to nominate candidates to be voted for at the same election or because such elector signed nomination papers for such primary.

These provisions shall not apply to elective offices of townships and municipalities having a population less than 2,000.

Sec. 4951. The provisions of this chapter shall not extend nor be applicable to the nomination of candidates for township offices or for the elective offices of any municipality which has less than two thousand population as ascertained by the federal census next preceding such nominations unless the voters of such township or municipality shall so petition the board of deputy state supervisors of elections, which petition shall be filed at least ninety days before the regular date for holding the primary to nominate the officers mentioned in this section and shall be signed by qualified electors of such township or municipal-

ity equalling in number at least a majority of votes cast in such township or municipality at the last general election therein. In the event that such petition is filed then all nominations of party candidates in such township or municipality shall be made as in this chapter provided.

Exception.

Sec. 4952. Candidates for state offices and congressmen at large shall be nominated by the direct vote of the people in the manner following. Each person so desiring to become a candidate for an office above enumerated shall file with the state supervisor of elections a petition signed by the electors of the state who are members of the political party to which such candidate belongs not less in number than two per cent. of vote cast in the state for the candidate for governor of such party at the last general election. Such petitions shall be prepared and filed with the state supervisor of elections in the following manner. All petitions signed in any county of the state shall be filed with the board of deputy state supervisors of elections of such county prior to the sixtieth day before the date of the primary election and shall remain open to public inspection in the office of such board for a period of five days immediately prior to the fifty-fifth day before such primary, during which time objections may be filed thereto and the same heard by such board, which shall on or before the fiftieth day before such primary transmit such petitions and objections, if any, to the state supervisor of elections together with a copy of their findings on such objections, if any, and a certificate stating the number of bona fide electors of such county whose names appear attached thereto.

Candidates for state offices and congressman at large nominated by direct vote.

How person may become a candidate.

Filing petitions.

Filing objections.

Sec. 4952-1. Candidates for district offices, where such district includes more than one county, which shall include all candidates for member of the house of representatives in the congress of the United States, other than congressman at large, shall be nominated by the direct vote of the people in the manner following. Each person so desiring to become a candidate for election to such district office in this state shall, not less than sixty days before the date of the primary election fixed by law to be held in the even numbered years, file with the chief deputy state supervisor of the most populous county of the district, according to the federal census last preceding such primary, a petition therefor signed by electors of the district who are members of the political party to which such candidate belongs not less in number than two per cent. of the vote cast in said district for the candidate for governor of such party at the last general election preceding such primary. Not less than forty days before such primary said chief deputy state supervisors shall certify all nominations so filed to the boards of deputy state supervisors of each county in such district who shall enter the names so certified on the proper ballots to be used at the primary. Such boards of deputy state supervisors shall certify the results of the primary election on such candidates to such chief deputy state supervisor in the manner provided under the general election

Candidates for district offices shall be nominated by direct vote.

How person may become a candidate.

Chief deputy state supervisor shall certify all nominations to boards of deputy state supervisors.

laws. Not less than forty days before the November election such chief deputy state supervisor of elections shall certify all such nominations so made to the boards of deputy state supervisors of the counties comprising the district who shall cause the same to be printed on the proper tickets as provided by law.

Nomination of candidates for presidential elector by delegate state convention.

Sec. 4953. Candidates for presidential elector shall be nominated by delegate state conventions, the delegates to which shall be chosen at a primary election which shall be held on the last Tuesday in April, 1916, and similarly every fourth year thereafter. The state committee of each political party shall determine the time and place for holding the state convention of such party and shall apportion the delegates and alternates throughout the state in proportion to its party vote for governor cast in the several counties at the last preceding general election. Each state committee shall also by resolution determine the ratio of representation in such state convention. In addition to nominating candidates for presidential elector such state convention shall formulate the state party platform for that year.

Time of holding convention and apportionment of delegates.

Party platform.

Election of delegates and alternates to national convention shall be by direct vote.

Sec. 4954. At the primary election which shall be held on the last Tuesday in April in the year 1916 and similarly in every fourth year thereafter delegates and alternates at large to the national conventions of the different political parties shall be chosen by direct vote of the electors in the manner prescribed in this chapter for the nomination of candidates for state offices, and candidates for election as delegates and alternates to such conventions from districts within the state shall be chosen by direct vote of the electors in the manner prescribed in this chapter for the nomination of candidates for district offices. Each person seeking to be elected as delegate or alternate to such national convention shall file with his nominating petition a statement in writing signed by him in which he shall state his first and second choice for nomination as candidate of his party for the presidency of the United States and the state supervisor of elections shall not permit any nominating petition of a candidate for election as such delegate or alternate to be filed unless accompanied by such statement in writing: providing always, however, that the name of no candidate for the presidency shall be so used without his written consent. The name of such first and second choice for nomination as candidate for the presidency of each candidate for election as such delegate or alternate shall be printed and appear on the primary ballots immediately below the name of such candidate in such a way as to clearly disclose the preference of each candidate. Each candidate for election as such delegate or alternate may also file along with his nomination papers a statement in writing signed by him in the following form: Statement

Statement of candidate as to choice for president.

(alternate)

of candidate for election as (delegate) to the (here insert name of political party) national convention.

I hereby declare to the voters of my political party in
(alternate)
the state of Ohio that, if elected as (delegate) to their national party convention, I shall, to the best of my judgment and ability, support that candidate for president of the United States who shall have been selected at this primary by the voters of my party in the manner provided in this chapter, as their candidate for such office.

.....
(alternate)
For signatures of candidate for (delegate)

Presidential preference primary.

Sec. 4955. At a primary election which shall be held on the last Tuesday in April in the year 1916 and similarly in every fourth year thereafter the qualified voters of the several political parties shall be given an opportunity, on separate party ballots provided for that purpose and apart from those used for other offices, to express their preference as to the nominees for their respective parties for president and vice-president of the United States in the following manner. Nomination papers for each candidate for nomination for president or vice-president may be filed in the same manner as for candidates for a state office but no candidate for such nomination as president or vice-president need sign or file any petition, affidavit, declaration, statement or paper of any kind to get his name upon the ballot at such primary, but in the event that any person who is presented as a candidate for nomination for president or vice-president, by the filing of nomination papers as herein provided for, shall on or before the forty-fifth day before the date of such primary, announce by statement filed with the state supervisor of elections that he is not a candidate for such nomination and that he does not wish his name to be printed upon the ballot for such election, said state supervisor shall not cause nor permit such name to be or appear on such ballot. Not less than forty days before the primary the state supervisor of elections shall certify the names of all candidates for such nominations which have been duly presented and not withdrawn, to the boards of deputy state supervisors of the several counties in the state who shall enter such names on a separate ballot from that containing the names of candidates for other nominations. Separate tickets shall be provided for each political party on which the names of the candidates of such party shall be printed in alphabetical order. Such tickets shall conform, as nearly as practicable, to the form of the ballot provided in this title for the nomination of candidates for state offices. At the head of each ticket there shall be printed the words "Presidential Preference Ticket". The ballots voted at such election shall be deposited in separate ballot boxes and shall be counted and the result of the vote thereon certified by the boards of deputy state supervisors of elections of the several counties of the state to the state supervisor of elections in the manner provided for certifying the returns of the vote at

Nomination papers for candidates may be filed but not required.

Names of candidates certified by chief deputy to boards of deputy state supervisors.

Separate tickets.

Form of ticket.

such primary for candidates for the nomination as state officers. Such state supervisors shall canvass these returns in the manner provided by law for canvassing the returns in the case of candidates for nomination as state officers and shall forthwith certify the results of such canvass as regards the candidates for nomination in each political party to the persons chosen as delegates or alternates to the national convention of such party.

Canvass of returns by state supervisor.

When nominations certified to boards of deputy state supervisors.

Sec. 4956. Not less than forty days before the date of any primary election the state supervisor of elections shall certify to the several proper boards of deputy state supervisors the nominations filed with him together with forms of official ballots for the use of each board and such boards shall cause all such nominations to be entered on the proper primary ballots in their respective counties.

Controlling committees elected by direct vote.

Sec. 4959. All members of controlling committees of political parties shall be elected, by direct vote, except as otherwise provided herein. Their names shall be placed upon the official ballot as hereinafter provided. The person receiving the highest number of votes for committeeman shall be the member of such controlling committee.

"State central committee"—One member from each congressional district.

"District committee"—The chairman of each of the several county central committees.

"County central committee"—One member from each precinct, or from each ward and township; optional.

Committeemen chosen by direct vote.

Candidates may be nominated by petition.

Sec. 4960. The controlling committees of each voluntary political party or organization shall be a state central committee, consisting of one member from each congressional district in the state; a district committee for each district in the state, including congressional districts, which shall consist of the chairman of the county central committees of the several counties composing such district; a county central committee, consisting of one member each precinct in the county, or of one member from each ward and township in the county as the outgoing committee may determine, and the members of the central committee chosen from a city shall constitute a city committee. All of the members of such committees shall be chosen by direct vote at the primary held in the even numbered years. Candidates for election as state central committeemen may be nominated by petition in the same manner as is herein provided for the nomination at primaries of candidates for district offices and candidates for election as members of the county central committee may be nominated by petition in the manner provided in section 4969 of the General Code. Existing state, district, county and city committees shall continue to act and be recognized as such, until their successors are chosen as herein provided. Where a judicial subdivision or district or congressional district is included within a county, the members of the county central committee who are residents of such district shall also act as the judicial or congressional committee.

When members of county central committee shall act as district committee.

Time for organization of committees.

Sec. 4961. Within fifteen days after their selection all such state and county central committees shall meet and organize by the election of a chairman and secretary, and shall elect an executive committee,

Time of holding primaries for state, district and county candidates.

Sec. 4963. Primaries under this chapter to nominate candidates for members of the house of representatives in the congress of the United States, and for all elective state, district and county offices, and to select committeemen, shall be held in each county at the usual polling places on the second Tuesday in August of the even numbered years; and primaries under this chapter to nominate candidates for township and municipal offices, justice of the peace, and members of boards of education, shall be held in each county at the usual polling places on the second Tuesday in August of the odd numbered years.

Time of holding primaries for township and municipal candidates.

How primary for special election called.

Sec. 4964. When a call is issued for a special election, the date of the primary shall be fixed at the same time and in the same manner by the authority calling such special election which primary, shall be held at least two weeks prior to the time fixed for such special election. Nomination papers for such primary shall be filed at least ten days before the date for holding the same and such election shall be called so as to allow at least five days for circulating and filing such nomination papers.

Powers and duties of boards of deputy state supervisors.

Sec. 4967. County boards of deputy state supervisors of elections shall have all the powers granted and perform all the duties imposed by the laws governing general elections, including furnishing materials and supplies, printing and distributing ballots, providing voting places, protecting electors, guarding the secrecy of the ballot, and making rules and regulations not inconsistent with law, for the guidance of election officers. All statutory provisions relating to general elections, including the requirement that part of such election day shall be a legal holiday, shall, so far as applicable, apply to and govern primary elections.

Names of candidates for U. S. senator shall be placed on primary ballot.

Sec. 4968. At the primary elections, where candidates may be chosen to the general assembly, whose duty it shall be to elect a United States senator, there shall be placed on the official primary ballots, by each of the boards of deputy state supervisors of elections, the names of all candidates for United States senator who shall have filed with the state supervisor of elections petitions signed by two per cent. of the electors in the state, of the party of which such candidate for United States senator is a member, as shown by the vote for the candidate for governor of such party at the last general election; provided, however, that in arriving at the required two per cent. of the electors, not more than one-fifth of one per cent. of the electors, in the state of the party of which such candidate is a member, as shown by the vote for the party's candidate for governor at the last general election, shall be counted from any one county. Such petitions shall be filed in the same manner provided for filing petitions by candidates for state offices and the several boards of deputy state supervisors of elections and the state supervisor shall perform all the duties with regard to nominations under this section and shall canvass and ascertain and declare the results thereunder the same as in case of the nomination of candidates for state offices.

Two per cent. of electors.

Time of filing petitions.

Canvass and returns.

The candidate of each party who shall be so ascertained and declared to have been nominated shall be and become the candidate of his party for such office and his name shall be placed upon the official election ballot as provided in section 5018 of the General Code.

Statement of candidate for member of general assembly.

In case an elector seeks nomination for the office of senator or representative in a general assembly of the state of Ohio, whose duty it shall be to elect a United States senator, he may include one of the following two statements in his petition; but his failure to do so shall not constitute ground for refusing to file his petition.

STATEMENT No. 1.

"I hereby state to the electors of Ohio, as well as to the people of my legislative district, that during my term of office I will always vote for that candidate for United States senator who shall receive the highest number of the votes of qualified electors for the position at the general election next preceding the election of a United States senator, without regard to my individual preference.

. . . . . .

"Signature of candidate for nomination."

STATEMENT No. 2.

"During my term of office I shall consider the vote of the electors for United States senator as nothing more than a recommendation which I shall be at liberty to wholly disregard, if reasons for so doing seem to me to be sufficient.

. . . . . .

"Signature of candidate for nomination."

Nominations—how made and when and where filed.

Sec. 4969. All nominations for offices or places on the primary ballot other than those heretofore provided for shall be by nomination papers which shall be filed with the board of deputy state supervisors at least sixty days before the day for holding the primary election. Such nomination papers shall be signed by two per cent. of the party voters in the county, municipality, precinct, ward or other political subdivision for which such nomination is to be made. The basis of percentage in each case shall be the vote of the party in such county, municipality, precinct, ward or other political subdivision for governor at the last preceding election for state officers.

Two per cent. of party vote.

Nomination of candidates where district situated in more than one county.

Sec. 4969-1. In case of nomination papers for candidates for public office in a municipality or school district situated in more than one county, such papers shall be filed as above limited with the board of deputy state supervisors of the county containing the majority population of such municipality or school district, which board shall certify the same forthwith to the board or boards of the county or counties containing the other parts of such municipality or school district. When such board or boards of the county or counties containing the other part or parts of

such municipality or district shall have canvassed the returns of the primary in such municipality or district received by them they shall certify the result to the board of the county containing such majority population which board shall ascertain and declare the result of the primary and shall forthwith certify the name or names of the successful candidate or candidates to the boards of such other counties to be placed on the official ballot at the election.

Returns in such cases.

Sec. 4970. The name of no candidate for office or for committeeman or delegate shall be printed upon an official ballot used at any primary unless prior to the beginning of the period limited by law, nomination papers shall have been filed with the state supsrvisor of elections or with the board of deputy state supervisors in his behalf in substantially the following form:

What names be printed on ballot.

We, the undersigned, qualified electors of (the .... precinct of the township of .....) or (the ..... ward of the city of .....) county of ....., and state of Ohio, and members of the ..... party, hereby nominate ..... who resides at No. ..... on ..... street of ..... city of ..... or (in the township of .....) in the county of ..... as a candidate for the office (or position) of (here specify office or position) ..... to be voted for at the primary next hereafter to be held, as representing the principles of such party, and each for himself further declares that he is a member of such party and that he intends to support the candidate named herein.

Form of nomination papers.

.....

Name of Signers.	Residence. (Ward)	(Precinct)	Date of Signing.

.....

Sec. 4973. The affidavit of a qualified elector shall be appended to each such nomination paper, stating that he believes the persons who have signed it to be electors of the political subdivisions described in such nomination paper, and that they signed it with full knowledge of the contents thereof, that he believes that each signer signed it on the date stated opposite his name, and that the affiant intends to support the candidate named therein. Each candidate shall file with his nomination papers a declaration that he will qualify as such officer if nominated and elected, and each candidate shall also file with such papers a declaration that he will support and abide by the principles enumerated by his political party in such national or state platform as may have been adopted by it prior to such primary in the year in which he is seeking such nomination.

Affidavit—what it shall contain.

Declaration—what it shall contain.

Sec. 4974. Nomination papers, when filed, shall be preserved and be open under regulations to public inspection. If in apparent conformity with the provisions of this

Papers shall be open to public inspection.

chapter, such papers shall be deemed to be valid, unless objection thereto is duly made in writing within five days after the last day for filing such nomination papers. Protests in writing against the candidacy of any person seeking to become a candidate of any politcal party may be filed only by a recognized member of such party or by the controlling committee thereof. Such protests shall be filed with the state sueprvisor of elections in all cases in which the nomination papers shall have been filed with him and in cases in which such papers shall have been filed with a board of deputy state supervisors the protests shall be filed with such board. In the case of protests filed with the state supervisor of elections he shall hear and determine the same and his decision shall be final. In the case of protests filed against the candidacy of a person in a district comprising more than one county the same shall be heard and determined by the chief deputies and clerks of the board of deputy state sueprvisors of the several counties comprising such district and their decision shall be final. In the case of protests filed against candidates for county offices or offices of a district lying within a county, the same shall be heard and determined by the board of deputy state supervisors of such county and its decision shall be final. In case of candidates for office in municipalities or school districts situated in more than one county, the same shall be submitted to the board of deputy state supervisors of the county in which the nomination papers were filed and its decision shall be final. If it is found that such candidate is not an elector of the state, or of the district or county in which he seeks to become a candidate, or that his nomination papers do not contain the requisite number of names signed by electors of such party, his name shall be withdrawn and shall not be printed upon the ballot; but no nomination papers shall be rejected for mere technical defects. The provisions of this title, relating to objections to petitions for nominations, shall, so far as applicable, apply to and govern in such matters arising under this section. Certificates shall be transmitted in the manner provided in this title for the transmission of certificates of nomination.

How protests shall be made.

Papers shall not be rejected for technical defects.

Sec. 4984. On the following Thursday after the primary at ten o'clock forenoon the board of deputy state supervisors of elections of each county shall meet and canvass the vote and certify the result or declare the same in the manner hereinafter provided. The controlling committee of any party participating in the primary may have one representative present during the canvass of the vote. In the case of candidates for nomination by primary whose nomination papers are required to be filed with the state supervisor of elections such boards of deputy state supervisors shall, on blanks provided for that purpose, make full and accurate returns of votes cast for each candidate and shall certify duplicate copies thereof to the state supervisor who shall proceed to canvass all of the votes cast for the respective candidates above mentioned and shall declare

Canvass of vote and certifying result by deputy state supervisors.

the result, and shall, not less than forty days before the election, certify the same together with a form of official ballot therefor to the proper boards of deputy state supervisors of the several counties of the state. In case of nominations for offices in districts comprising more than one county, the boards of deputy state supervisors of elections in such counties shall certify the results of the primary as regards such district candidates to the board of deputy state supervisors of the county in such district in which the nomination papers were originally filed, which board shall proceed to canvass all of the returns so made of the votes cast for the respective candidates and shall declare the result and certify the names of the successful candidates to the boards of deputy state supervisors of the several counties comprising such district to be placed on the ballot. In case of nominations for offices within a county the results of the primary shall be declared by the board of deputy state supervisors of such county.

Certificates of election to delegates and alternates.

Sec. 4986. If the primary has been held to elect delegates and alternates to a national convention, the several boards of deputy state supervisors and the state supervisor of elections shall perform the same duties with regard to such election as with regard to the nomination of candidates for state and district offices. Returns shall be made and canvassed in a similar manner as for state and district offices and such state supervisor, or boards of deputy state supervisors, shall, without fee, make and, upon demand, deliver to the persons who may have been chosen, certificates of their election. And no other delegate or alternate shall be entitled to sit, or participate, in such convention. A list of the delegates and alternates of each party who may have been chosen, shall be filed and kept in the office of such state supervisor for one year.

Certificates of election to members of committee.

Sec. 4987. If members of a state central committee have been elected at any primary election, the several boards of deputy state supervisors and the state supervisor of elections shall perform the same duties with regard to the election of such committees as with regard to the nomination of candidates for district offices. Returns shall be made and canvassed as for such nomination. And said state supervisor shall, without fee, and upon demand, deliver to the persons elected, certificates of their election. A list of committeemen of each party who may have been thus chosen shall be filed and kept in the office of such state supervisor of elections for two years and it shall be the official roll of the committee. In like manner if members of a county central committee or delegates to a state convention have been elected the board of deputy state supervisors of elections shall perform the same duties with regard to the election of such committeemen as with regard to the nomination of candidates for township offices. Returns shall be made and canvassed as for such nominations and said board of deputy state supervisors shall without fee,

List of committeemen filed in office of state supervisor.

and upon demand, deliver to the persons who may have been chosen certificates of their election. A list of committeemen of each party who may have been chosen shall be filed and kept in the office of such board for two years and it shall be the official roll of the committee.

How result determined in case of tie vote.

Sec. 4988. When at any primary there is a tie vote for nomination or election in any case in which the nomination papers have been filed with the state supervisor of elections the candidates having the highest and equal number of votes shall, after due notice, within ten days and in the presence of such state supervisor at the time and place to be fixed by him, determine the result by lot. If they fail to do so, such state supervisor shall determine the result in a similar manner. In the event of a tie vote in other cases the candidates having the highest and equal number of votes shall, after due notice, within five days in the presence of the board of deputy state supervisors with which the nomination papers were filed at a time and place to be fixed by such board, determine the result by lot and if the candidates fail to do so such board shall be authorized to determine the same in a similar manner.

Vacancies, how filled.

Sec. 4989. In case of a vacancy or vacancies in the list of nominations occurring by death or otherwise, after the result has been declared, such vacancy or vacancies shall be filled by the proper controlling committee of the party in which such vacancy, or vacancies, occur, and the names of the candidates, delegates or committeemen, as the case may be, selected by such committee shall, in the case of offices, the nomination papers for which have to be filed with the state supervisor of elections, be reported to such state supervisor and, in the case of other offices, shall be reported to the proper board or boards of deputy state supervisors, and such state supervisor or board, or boards, shall cause such name or names to be placed on the official ballots, lists or rolls.

Party platform, when and by whom framed.

Sec. 4991-1. In the year 1914, and every fourth year thereafter, the candidates for state offices, except judicial offices, the candidates for member of the general assembly, the members of the state executive and central committees and the chairmen of the county central and executive committees of each political party which shall have selected candidates at the primary election of such year shall meet at such place as the state central committee of such party may designate on the second Tuesday after such primary and shall forthwith formulate the state platform of such party, which said state platform of each political party shall be so framed at such time that it shall be made public not later than six o'clock in the afternoon of the following Thursday.

Repeals.

SECTION 2. That said original sections 4949, 4950, 4951, 4952, 4953, 4954, 4955, 4956, 4957, 4958, 4959, 4960,

ıe sectional ımbers herein e in conform- y to the Gen- al Code. TIMOTHY S. HOGAN, ttorney General.

4961, 4963, 4964, 4965, 4966, 4967, 4968, 4969, 4970, 4973, 4974, 4984, 4986, 4987, 4988, and 4989 of the General Code be, and the same are hereby, repealed.

SECTION 3. This act shall take effect and be in force on and after the first day of January, 1914.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
192 G.

[House Bill No. 353.]

AN ACT

To amend sections 1307 and 1311 of the General Code in relation to the practice of pharmacy in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1307 and 1311 of the General Code be amended to read as follows:

Term of certificates and revocation.

Sec. 1307. Each certificate and each renewal certificate issued by the state board of pharmacy shall entitle the person to whom it is granted to practice the profession of a pharmacist or assistant pharmacist for three years. The board may refuse to grant a certificate to a person guilty of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice pharmacy, and, after notice and hearing, may suspend or revoke a certificate for like cause or for fraud in procuring it. Within thirty days an appeal may be taken from the action of the state board refusing to grant or suspending or revoking a certificate, to the governor and attorney general, and the decision of these officials, affirming or overruling its action, shall be final. No certificate shall be suspended for a longer period than two years. If during such suspension the existing certificate shall have expired the board may, at the end of such suspension, renew such certificate upon payment to the treasurer thereof the fee prescribed in section 1311 of the General Code for renewal of a certificate.

Period of suspension; renewal.

Fees.

Sec. 1311. The state board of pharmacy shall charge and collect the following fees:

For the examination of an applicant for a certificate as pharmacist, ten dollars;

For the examination of an applicant for a certificate as assistant pharmacist, five dollars;

For issuing a renewal certificate to a pharmacist, two dollars;

For issuing a renewal certificate to an assistant pharmacist, one dollar;

For issuing a certificate to a pharmacist on presentation of a certificate granted by another state, fifteen dollars;

For issuing a certificate as an assistant pharmacist on presentation of a certificate as a pharmacist granted by another state, ten dollars. The fee paid by the applicant shall not be returned to him if he fails to pass an examination.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original sections 1307 and 1311 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
193 G.

[House Bill No. 342.]

AN ACT

To supplement section 5629 of the General Code by the enactment of section 5629-1, relating to special levy to provide funds to repair certain buildings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5629 of the General Code be supplemented by the enactment of section 5629-1, to read as follows:

Sec. 5629-1. If any public building in any county, township or municipality in this state, erected from funds raised by general taxation, be condemned, by the proper officials, as unsanitary or unfit for the purposes for which it was erected, and such county, township or municipality, is without the necessary funds to make said building sanitary and fit for the purposes for which it was built, the proper officials of said county, township or municipality, at a regular or called meeting, shall levy a tax that will produce the sum required to remedy the defects in said building, not to exceed in any case five thousand dollars: Provided, however, such tax shall be subject to all limitations upon interior rate, aggregate amount, maximum rate and combined maximum rate provided by law. If the officials deem it advisable they may anticipate the collection of such special tax by borrowing not exceeding the amount

Tax levy for repair of public building.

so levied at a rate of interest not exceeding 6 per cent., payable semi-annually, and may issue notes or bonds therefor, payable when the tax is collected.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
194 G.

[House Bill No. 389.]

AN ACT

To amend section 5649 of the General Code, relating to the payment and distribution of township road tax.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5649 of the General Code be amended to read as follows:

Sec. 5649. Any person charged with a road tax shall pay it in money to the county treasurer in like manner as other taxes are collected and paid. Road taxes paid to or collected by the county treasurer shall be paid over to the treasurer of the township or municipal corporation from which they were collected, and be expended on the public roads and in building and repairing bridges in the township and municipal corporation from which they were collected under the direction of the trustees of the proper township or council of such municipal corporation. All funds heretofore levied for road purposes and not expended, shall be expended by the trustees of the township or council of the municipal corporation from which the funds were collected as other taxes collected under the provisions of this title.

Payment of road tax to county treasurer.

SECTION 2. That said original section 5649 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
195 G.

[House Bill No. 514.]

AN ACT

To amend section 10441 of the General Code, relating to the right of appeal in proceedings in aid of execution.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10441 of the General Code be amended to read as follows:

Appeal.

Sec. 10441. An appeal shall lie from such proceedings to the court of common pleas in like cases and manner as from other judgments of justices of the peace. And in any such case if the justice of the peace shall overrule any claim of the judgment debtor for exemptions, such debtor may appeal therefrom to the court of common pleas in the same manner and the like proceeding shall be had, as provided for attachment appeals under sections ten thousand two hundred and fifty-nine and ten thousand two hundred and sixty of the General Code and to the judgment of the court of common pleas thereon no error shall lie.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 10441 of the General Code be, and the same is, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
196 G.

[House Bill No. 454.]

AN ACT

To amend section 97 of the General Code so as to provide for statements from prosecuting attorneys being sent to the board of pardons and to the Ohio board of administration.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 97 of the General Code be amended so as to read as follows:

Duty of prosecuting attorney.

Sec. 97. After the service of the notice upon the prosecuting attorney of the proper county, he shall make and forward forthwith to the board of pardons and THE OHIO BOARD OF ADMINISTRATION, AT COLUMBUS, a statement of the time of trial and conviction, and the date and term of sentence of the person in whose behalf the application for parole, PARDON or commutation is made,

with a brief statement of any circumstance in aggravation or extenuation appearing in the testimony in such trial.

The board of pardons shall transmit such statement with its recommendations to the governor.

SECTION 2. That section 97 of the General Code is hereby repealed.

e sectional mber herein is conformity to e General de. MOTHY S. HOGAN, torney General.

SECTION 3. This act shall take effect from and after the earliest period provided by law.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
197 G.

[House Bill No. 203.]

AN ACT

To supplement sections 1020, 1021, 1022 and 1023 of the General Code, relating to the use of certain buildings or rooms for the use of making wearing apparel or goods for wear, use or adornment or for the manufacture of cigars, cigarettes or tobacco by the enactment of an additional supplementary section to be known as 1023-1 for the purpose of providing penalties for the violation of the provisions of the foregoing sections or any orders issued and requirements made thereunder.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1020, 1021, 1022 and 1023 of the General Code be supplemented by a section to be known as section 1023-1, to read as follows:

e sectional mber herein is conformity to e General de. MOTHY S. HOGAN, torney General.

Sec. 1023-1. Whoever violates any of the provisions of the four preceding sections, or whoever fails, refuses or neglects to comply with any order issued or requirement made under said sections by the chief inspector of workshops and factories shall, upon conviction, be fined not more than twenty-five dollars and not more than one hundred dollars for each succeeding offense. Penalty.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
198 G.

[House Bill No. 265.]

AN ACT

To amend sections 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3151, 3152, 3153, of the General Code of Ohio, relating to country and district tuberculosis hospitals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3151, 3152 and 3153 of the General Code shall be amended so as to read as follows:

Patients shall not be kept at infirmary.

Sec. 3139. On and after January first, nineteen hundred and fourteen, no person suffering from pulmonary tuberculosis, commonly known as consumption, shall be kept in any county infirmary.

Maintenance in hospital; costs.

Sec. 3140. Whenever complaint is made to the state board of health that a person is being kept or maintained in any county infirmary in violation of section 3139 of this act, such state board of health may make arrangements for the maintenance of such person in some hospital or other institution in this state devoted to the care and treatment of cases of tuberculosis, and the cost of removal to, and the cost of maintenance of, such person in such hospital or institution shall become a legal charge against, and be paid by the county in which such person has a legal residence. If such person is not a legal resident of this state, then such expense shall be paid by the county maintaining the infirmary from which removal is made,

How hospital shall be supported.

Sec. 3141. In any county where a county hospital for tuberculosis has been erected such county hospital for tuberculosis may be maintained by the county commissioners, and for the purpose of maintaining such hospital the county commissioners shall annually levy a tax and set aside the sum necessary for such maintenance. Such sum shall not be used for any other purpose.

Accounts to be kept.

Sec. 3142. An accurate account shall be kept of all moneys received from patients or from other sources, which shall be applied towards the payment of maintaining a tuberculosis hospital. The joint board of commissioners, as hereinafter provided for, may receive for the use of the hospital, in its name gifts, legacies, devises, conveyances of real or personal property or money.

Commissioners may contract with other county or trustees, etc., for care and treatment.

Sec. 3143. Instead of joining in the erection of a district hospital for tuberculosis, as hereinafter provided for, the county commissioners may contract with the board of trustees, as hereinafter provided for, of a district hospital, the county commissioners of a county now maintaining a county hospital for tuberculosis or with the proper officer of a municipality where such hospital has been constructed, for the care and treatment of the inmates of such infirmary or other residents of the county who are suffering from pulmonary tuberculosis. The commissioners of the county in which such patients reside shall pay to the board of trus-

tees of the district hospital or into the proper fund of the county maintaining a hospital for tuberculosis, or into the proper fund of the city receiving such patients; the actual cost incurred in their care and treatment, and other necessaries, and they shall also pay for their transportation. Provided, that the county commissioners of any county may contract for the care and treatment of the inmates of the county infirmary or other residents of the county suffering from pulmonary tuberculosis with an association or corporation, incorporated under the laws of Ohio for the exclusive purpose of caring for and treating persons suffering from pulmonary tuberculosis; but no such contract shall be made until the institution has been inspected and approved by the state board of health, and such approval may be withdrawn and such contracts shall be cancelled if, in the judgment of the state board of health, the institution is not managed in a proper manner. Provided, however, that if such approval is withdrawn, the board of trustees of such institution may have the right of appeal to the governor and attorney general and their decision shall be final.

Sec. 3144. In any county which has not provided for a county hospital for tuberculosis, or which has not joined in the erection of a district hospital for tuberculosis, the state board of health, upon a proper presentation of the facts, may order any inmate of the infirmary who is suffering from pulmonary tuberculosis removed to a municipal, county or district hospital for tuberculosis, but such removal shall not be made without the consent of the inmate, if a suitable place outside of the infirmary, approved by the state board of health, is provided for his or her care and treatment. The state board of health upon a proper presentation of facts, shall also have authority to order removed to a municipal, county or district hospital for pulmonary tuberculosis, any person suffering from pulmonary tuberculosis, when in the opinion of the state or a local board of health, such person is a menace to the public and cannot receive suitable care or treatment at home, provided however, that such person shall have the right to remove from the state.

Powers of state board of health as to removal of inmates.

Sec. 3145. The medical superintendent shall investigate applicants for admission to the hospital for tuberculosis who are not inmates of the county infirmary and may require satisfactory proofs that they are in need of proper care and have pulmonary tuberculosis. The board of trustees may require from any such applicant admitted from the county or counties maintaining the hospital a payment not exceeding the actual cost incurred in their care and treatment, including necessaries and cost of transportation, or such less sum as they may deem advisable, owing to the financial condition of the applicant.

Applicants; investigation of.

Sec. 3146. The district hospital for pulmonary tuberculosis, as hereinafter provided for, shall be devoted to the care and treatment of those admitted to the county infirm-

Purpose of district hospital.

aries within the district afflicted with pulmonary tuberculosis, and of other residents of the district suffering from the disease and in need of proper care and treatment.

Supervision by state board of health.

Sec. 3147. The state board of health shall have general supervision of county and district hospitals for tuberculosis and shall prescribe and may enforce such rules and regulations for their government as it deems necessary. All persons in charge of or employed at such hospitals or residents thereof, shall faithfully obey and comply with all such rules and regulations. The location, plans and estimates of cost for all district hospital for tuberculosis shall be submitted to and approved by the state board of health, and the board of state charities.

Joint county hospital for tuberculosis patients.

Sec. 3148. The commissioners of any two or more counties not to exceed ten, may form themselves into a joint board for the purpose of establishing and maintaining a district hospital, provided there is no municipal tuberculosis hospital therein for care and treatment of persons suffering from pulmonary tuberculosis (commonly called consumption) or laryngeal tuberculosis, and may provide the necessary funds for the purchase of a site, which site shall be separate and apart from the infirmary boundaries in any county and also may provide for the erection of the necessary buildings thereon; and provided further that where any number of counties have already constructed and are operating a district tuberculosis hospital, other counties may join such counties for enlargement and use of such hospital. Any new district or addition to a district shall be approved by the state board of health.

Powers of trustees.

Sec. 3151. Subject to the provisions of this chapter, such board of trustees shall prepare plans and specifications and proceed to erect and furnish the necessary buildings for a district hospital for tuberculosis. They shall appoint, a suitable person medical superintendent of the hospital, who shall not be removed except for cause, and, upon the recommendation of the superintendent, such nurses and other employes as may be necessary for the proper conduct of the hospital. The trustees shall fix the compensation of the medical superintendent and other employes. Subject to the rules and regulations prescribed by the board of trustees, the superintendent shall have entire charge and control of the hospital. The trustees shall serve without compensation, but their necessary expenses when engaged in the business of the board shall be paid. The trustees, medical superintendent or nurses of such hospital are authorized to attend conferences where the care, treatment or prevention of pulmonary tuberculosis is a subject for consideration.

Cost and maintenance; quarterly statement.

Sec. 3152. The first cost of the hospital, and the cost of all betterments and additions thereto, shall be paid by the counties comprising the district, in proportion to the taxable property of each county outside of a municipality having a tuberculosis hospital as shown by their respective

duplicates. To meet the expenses incurred in the purchase of a site and for the erection of buildings or for the purpose of enlarging, improving or rebuilding thereof, the commissioners may borrow such sum or sums of money as may be apportioned to the county, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of the county to secure the payment of the principal and interest thereof. Such principal and interest shall be paid as provided in section 2435 of the General Code. A statement shall be prepared quarterly showing the per capita daily cost for the current expenses of maintaining such hospital, including the cost of the ordinary repairs, and each county in the district shall pay its share of such cost as determined by the number of days the total number of patients from such county have spent in the hospital during the quarter, but the sum paid by patients from such county for their treatment therein shall be deducted from this amount. The boards of commissioners of counties jointly maintaining a district hospital for tuberculosis shall make annual assessments of taxes sufficient to support and defray the necessary expense of maintenance of such hospital.

Meetings; annual report.

Sec. 3153. Such board of trustees shall meet monthly, and at such other times as they deem necessary. On the first Monday in April of each year they shall file with the joint board of county commissioners and with the state board of health an annual report of the operation of such district hospital, including a statement of all receipts and expenditures during the year, and at such time shall certify the amount necessary to maintain and improve the hospital for the ensuing year. The county commissioners maintaining a county hospital for tuberculosis on the first Monday in April of each year, shall file with the state board of health an annual report of the operations of such county hospital including a statement of all receipts and expenditures during the year.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

Repeals.

SECTION 2. That said original sections 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3151, 3152, 3153 of the General Code are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
199 G.

[House Bill No. 566.]

AN ACT

To amend section 5092 of the General Code, relating to judges and clerks of elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5092 of the General Code be amended to read as follows:

Election officer cannot be candidate except for committeeman or delegate.

Sec. 5092. No person, being a candidate for an office to be filled at an election, other than for commiteeman or delegate or alternate to any convention, shall serve as deputy state supervisor or clerk thereof, or as a judge or clerk of elections, in any precinct at such election. A person serving as deputy state supervisor or clerk thereof, judge or clerk of elections contrary to this section shall be ineligible to any office to which he may be elected at such election.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 5092 of the General Code, be, and the same is, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed April 16th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
200 G.

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[House Bill No. 433.]

AN ACT

To amend section 3677 of the General Code, relating to the appropriation of property by municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3677 of the General Code be amended to read as follows:

Appropriation of property.

Sec. 3677. Municipal corporations shall have special power to appropriate, enter upon and hold real estate within their corporate limits. Such power shall be exercised for the purposes, and in the manner provided in this chapter.

Street improvement, etc.

1. For opening, widening, straightening, changing the grade of, and extending streets, and all other public places, and for this purpose the corporation may appropriate the right of way across railway tracks and lands held by railway companies, where such appropriation will not unneces-

sarily interfere with the reasonable use of the property so crossed by such improvement, and for obtaining material for the improvement of streets and other public places;

2. For parks, park entrances, boulevards, market places, and children's playgrounds;

3. For public halls and offices, and for all buildings and structures required for the use of any department;

4. For prisons, workhouses, houses of refuge and correction, and farm schools;

5. For hospitals, pesthouses, reformatories, crematories and cemeteries;

6. For levees, wharves and landings;

7. For bridges, aqueducts, viaducts and approaches thereto;

8. For libraries, university sites and grounds therefor;

9. For constructing, opening, excavating, improving or extending any canal, or water course, located in whole or in part within the limits of the corporation or adjacent and contiguous thereto, and which is not owned in whole or in part by the state, or by a company or individual authorized by law to make such improvement; Canal improvement.

10. For sewers, drains, ditches, public urinals, bathhouses, water closets and sewage and garbage disposal plants and farms;

11. For natural and artificial gas, electric lighting, heating and power plants, and for supplying the product thereof;

12. For establishing esplanades, boulevards, park ways, park grounds, and public reservations in, around and leading to public buildings, and for the purpose of reselling such land with reservations in the deeds of such resale as to the future use of such lands, so as to protect public buildings and their environs, and to preserve the view, appearance, light, air and usefulness of public grounds occupied by public buildings and esplanades and parkways leading thereto.

13. For providing for a supply of water for itself and its inhabitants by the construction of wells, pumps, cisterns, aqueducts, water pipes, dams, reservoirs, reservoir sites and water works, and for the protection thereof; and to provide for a supply of water for itself and its inhabitants, any municipal corporation may appropriate property within or without the limits of the corporation; and for this purpose any such municipal corporation may appropriate in the manner provided in this chapter, any property or right or interest therein, theretofore acquired by any private corporation for any purpose by appropriation proceedings or otherwise. Either party to such appropriation proceedings shall have the same right to a change of venue as is now given by law in the trial of civil actions. Water supply. Change of venue.

14. For the construction or operation of street, interurban, suburban or other railways or terminals and the necessary tracks, way stations, depots, terminals, workshops, Street, interurban, suburban railways or terminals, etc.

conduits, elevated structures, subways, tunnels, offices, sidetracks, turnouts, machine shops, bridges and other appurtenances for the transportation of persons, packages, express matter, freight and other matter, in, from, into or through the municipal corporation; and for such purpose or purposes any municipal corporation may appropriate any property within or without its corporate limits; any municipal corporation may appropriate any property or right or interest therein theretofore acquired by any private or public utility corporation for any purpose by appropriate proceedings, as well as the right to cross on, over or under any street, avenue, alley, way or public place or part thereof of any other municipality, township or country.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 3677 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
201 G.

[House Bill No. 523.]

AN ACT

To amend sections 6441-1 and 6441-2 of the General Code, relating to the spraying of orchards.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6441-1 and 6441-2 of the General Code be amended to read as follows:

Owner required to spray orchard.

Sec. 6441-1. Whoever being the owner or manager of an orchard, or of one or more fruit trees shall spray or cause to be sprayed said trees one or more times during the period from November first to May fifteenth with some suitable preparation for the destruction of the San Jose, oyster shell or scurvy scale.

Penalty.

Sec. 6441-2. Whoever knowingly violates this act shall be fined not less than five dollars nor more than one hundred dollars for each year such spraying is not performed. It shall be the duty of the prosecuting attorney of the county in which any violation of this act may occur or the attorney general upon the request of the state board of agriculture or its successors to prosecute all violations of this act.

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y to the Gen-
al Code.
IMOTHY S.
HOGAN,
ttorney
General.

SECTION 2. That said original sections 6441-1 and 6441-2 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
202 G.

[House Bill No. 23.]

AN ACT

To amend section 13106 of the General Code, relating to false or short weight or measure.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13106 of the General Code be amended to read as follows:

Sec. 13106. Whoever, in buying or selling any property, or directing or permitting an employee so to do, makes or gives a false or short weight or measure; or whoever has charge of scales or steelyards fixed for the purpose of misweighing an article bought or sold, or, having scales or steelyards for the purpose of weighing property, reports a false or untrue weight; or whoever uses in the sale of a commodity a computing scale or device indicating the weight and price of such commodity upon which scale or device the graduations or indications are false, or inaccurately placed, either as to weight or price, shall be fined not more than fifty dollars.

Selling by false weights.

Penalty.

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ımber herein is
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e General
ode.
IMOTHY S.
HOGAN,
ttorney
General.

SECTION 2. That said original section 13106 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
203 G.

[House Bill No. 460.]

AN ACT

To amend section 938 of the General Code, relative to the approaching of abandoned mines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 938 of the General Code be amended to read as follows:

Requirements when working place approaches abandoned mine.

Sec. 938. Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine, as indicated by an accurate survey, or while driving any working place parallel with the workings of such abandoned mine within a distance of one hundred feet thereof, and such abandoned mine cannot be explored, or when same contains fire damp, or water which may inundate such working place, the mine foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the center of such working place, and a flank hole not less than twelve feet extended on each rib, starting at the working place after taking out each cut or crossing. Whenever the limits of the workings of an abandoned mine are not known by actual survey, the above rule shall apply whenever any working place approaches within one hundred and fifty feet of the supposed limits of such abandoned mine. In addition to the precautions provided for in this act when approaching or working parallel with such an abandoned mine, the owner, lessee or agent shall, upon the demand of the chief inspector or district inspector of mines, provide competent shot firers to do the shot firing in all the working places advancing or running parallel with such abandoned mine; the shot firing to be done when all other workmen are out of the mine. The chief inspector or district inspector of mines shall order shot firers at any mine when in their judgment the safety of property or employes require same.

Additional precautions.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 938 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
204 G.

[House Bill No. 32.]

AN ACT

To amend section 2915-1 of the General Code, relative to the appointment of secret service officer by prosecuting attorney.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2915 of the General Code be supplemented by the enactment of section 2915-1 to read as follows:

Appointment of secret service officer, compensation.

Sec. 2915-1. The prosecuting attorney may appoint a secret service officer whose duty it shall be to aid him in the collection and discovery of evidence to be used in the trial of criminal cases and matters of a criminal nature. Such appointment shall be made for such term as the prosecuting attorney may deem advisable, and subject to termination at any time by such prosecuting attorney. The compensation of said officer shall be fixed by the judge of the court of common pleas of the county in which the appointment is made, or if there be more than one judge, by the judges of such court in such county in joint session, and shall not be less than one hundred and twenty-five dollars per month for the time actually occupied in such service nor more than one-half of the official salary of the prosecuting attorney for a year, payable monthly, out of the county fund, upon the warrant of the county auditor.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 2915-1 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
205 G.

[House Bill No. 327.]

AN ACT

To amend sections 8874, 8876 and 8897, of the General Code, relating to the altering or abolishing highway, grade or other crossings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 8874, 8876 and 8897 of the General Code be amended to read as follows:

Powers as to grades above or below railroad tracks, erection of piers, etc.

Sec. 8874. Any municipal corporation may raise or lower, or cause to be raised or lowered, the grade of any street or way owned by it, either within or without its municipal limits, above or below railroad tracks, and may require any railroad company operating a railroad across such streets or ways to raise or lower the grade of its tracks and may construct ways or crossings above the tracks of any railroad, or require the railroad company to construct ways or crossings that are to be passed under its tracks. The word "railroad" shall include interurban railroads and the words "railroad company" shall include interurban railroad companies engaged in the operation of cars by electricity or other lawful motive power which said companies may adopt or use. Any municipality may require such railroad company to erect permanent piers, abutments or any other appropriate supports, in the ways, crossings, streets, roads or alleys, whenever in the opinion of council, the raising or lowering of the grade of any such railroad tracks, or the raising or lowering of the construction of such ways, crossings or other supports may be necessary, upon the terms and conditions hereinafter set forth.

Sec. 8876. The council of such municipality, for the purpose of making or causing such an improvement to be made, by ordinance may require the railroad company, in co-operation with the engineer of the municipality, or the engineer designated in such ordinance, to prepare and submit to such council, within three months, unless longer time is mutually agreed upon in writing, plans and specifications for such improvement, specifying the number, character and location of all piers and supports, which are to be permanently placed in any street or way, therein, specifying the grades to be established for the streets, and the height, character and estimated cost of any viaduct or way above or below any railroad track, and the change of grade required to be made of such tracks, including the sidetracks and switches. But in changing the grade of any railroad, no grade shall be required to exceed the established maximum or ruling grade governing the operations by engines of that division or part of the railroad on which the improvement is to be made, without the consent of the railroad company, nor shall the railroad company's tracks or such highway, street or way, be required to be placed below high water mark.

Preparations of plans and specifications.

Sec. 8897. Every municipality or other authority hereafter building a highway across an existing railroad, shall construct it above or below the grade thereof, unless in the manner hereinafter provided allowed to build at grade. The cost of such work shall be paid, thirty-five per cent. by such municipality or other authority, and sixty-five per cent. by the company owning the railroad. The word "railroad" shall include interurban railroads and the words "railroad company" shall include interurban railroad companies engaged in the operation of cars by electricity or other lawful motive power which said companies may adopt

Highway crossings.

or use. The method or procedure for the construction of such highway and the manner of construction thereof shall be governed by the statutes regulating the abolition of grade crossings.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original sections 8874, 8876 and 8897 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
206 G.

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[House Bill No. 356.]

AN ACT

To supplement section 7965-1 of the General Code by the enactment of section 7965-2 of the General Code, relating to the duties of sealers of weights and measures.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7965-1 of the General Code be supplemented by the enactment of an additional section to be known as section 7965-2, to read as follows:

Sec. 7965-2. The state dairy and food commissioner or his deputies, or any other duly authorized sealer of weights and measures or his deputy, shall inspect and test any weights and measures, balances and weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities both as to correctness of weight or quantity and value indicated by them; such sealer shall seal such weights and measures, balances and weighing and measuring devices as shall be tested and found correct, and, after ten days' notice in writing to the owner, shall condemn or seize such as are found to be incorrect, and shall seal such weights and measures, balances, weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities only when correct both in indications of weight or quantity and value, and shall condemn or seize such in which the graduations

Testing weights and measures and seizing or condemning those found false.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

or indications are found to be false or inaccurately placed either as to weight or quantity or value.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
207 G.

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[House Bill No. 297.]

AN ACT

To amend section 1153 of the General Code, relating to the sale, offering for sale or keeping for the purpose of selling of commercial fertilizer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1153 of the General Code be amended to read as follows:

Sec. 1153. Whoever sells, offers for sale, or keeps for the purpose of selling within this state, a commercial fertilizer without complying with the provisions of this chapter relating to commercial fertilizers, or permits an analysis to be attached to any package thereof, stating that it contains a larger percentage of any constituent thereof, than it does in fact contain, except as provided in section 1142, shall be fined not less than fifty dollars nor more than two hundred dollars for a first offense, and for a subsequent offense, not less than two hundred dollars nor more than five hundred dollars, or imprisoned not more than six months or both. The possession of commercial fertilizers, except by a person who has the same for his private use, without complying with the provisions of this chapter relating to commercial fertilizers, in any building, room, railroad, car, store, storeroom, warehouse or other place within this state shall be prima facie evidence of keeping of the same for the purpose of selling. In all prosecutions under this act, a justice of the peace, police judge or mayor, shall have final jurisdiction as in cases of violation of laws relating to the adulteration of food and drink and dairy products. The state board of agriculture shall rest its prosecutions under this act, on samples drawn, as provided in section 1145.

Penalty.

Evidence; jurisdiction.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, Attorney General.

SECTION 2. That said original section 1153 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 25th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
208 G.

[House Bill No. 326.]

AN ACT

To amend section 12672 of the General Code, restricting the selling, bartering or giving away, of cocaine, opium, morphine and other drugs, and to enact a supplemental section to be known as section 12672-1 and to repeal section 12674 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12672 of the General Code be amended and supplemented by the enactment of section 12672-1, to read as follows:

Sec. 12672. Whoever sells, barters, furnishes or gives away, directly or indirectly, or has in his possession for the purpose of selling, bartering, furnishing or giving away, directly or indirectly, any quantity of cocaine, alpha or beta eucaine or alypin, morphine, acetyl-morphine, di-acetyl-morphine, di-acetyl-ester-morphine, ethyl morphine, heroin, chloral hydrate, opium, or any of their alkaloids, salts, derivatives or compounds, or any synthetic equivalent thereof either as to the physical properties or physiological action, except upon the original written prescription of a physician, dentist, or veterinary surgeon duly licensed under the laws of this state, when prescribing for their patients for actual and necessary purposes in the proper practice of their respective professions, which prescription shall contain the name of the physician, dentist, or veterinary surgeon issuing it, the date of issue and the name of the person for whom it is issued; or fails to keep such prescription on file for at least two years, in such manner that it is accessible at all reasonable times to the inspection of the proper officer or officers of the law and the agricultural commission, or fills said prescription more than once, shall be fined not less than twenty-five dollars, nor more than five hundred dollars, or imprisoned in the county jail not less than thirty days or more than six months, or both at the discretion of the court, for the first offense, and for each subsequent offense shall be imprisoned not less than one year or more than five years in the penitentiary. If it be

Sale of cocaine regulated.

Prescription kept on file for two years.

Penalty.

made to appear to the court that the person so convicted is addicted to the use of any of the above mentioned drugs or substances, the court, with the consent of such person may commit such person to a hospital or other institution for the treatment of such person. This section does not extend to sales at wholesale of any quantity of the above mentioned drugs to duly registered pharmacists, physicians, dentists or veterinary surgeons; and shall not apply to liquid preparations sold in good faith as medicines containing not more than two grains of opium, or not more than one-fourth grain of morphine, or not more than one-fourth grain of heroin, or not more than one-eighth grain of alpha or beta eucaine, or not more than ten grains of chloral hydrate in one fluid ounce, or if a solid preparation, in one avoirdupois ounce.

Commitment for treatment. Exceptions.

Sec. 12672-1. The finding in the possession of a person who is not a wholesale dealer in drugs, a registered pharmacist, physician, dentist or veterinary surgeon, of any quantity of cocaine, alpha or beta eucaine or alypin, morphine, acetyl-morphine, di-acetyl-morphine, di-acetyl-ester-morphine, ethyl-morphine, heroin, chloral hydrate, opium, or any of their alkaloids, salts, derivatives or compounds, or any synthetic equivalents thereof either as to the physical properties or physiological action, shall be prima facie evidence of the violation by such person of section 12672 of this chapter.

Possession prima facie evidence of violation.

SECTION 3. That said original sections 12672 and 12674 of the General Code be, and the same are hereby, repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 2d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
209

[House Bill No. 304.]

AN ACT

To amend sections 284, 285 and 286 of the General Code and to supplement said section 286 by the enactment of additional sections to be known as sections 286-1, 286-2, 286-3 and 286-4, relating to the bureau of inspection and supervision of public offices.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 284, 285 and 286 of the General Code be amended, and that section 286 be supplemented by additional sections to be known as sections 286-1, 286-2, 286-3 and 286-4, as follows:

Sec. 284. The bureau of inspection and supervision of public offices, shall examine each public office. Such examination of township, village and school district offices shall be made at least once in every two years and all other examinations shall be made at least once a year, except that the offices of justices of the peace shall be examined at such times as the bureau shall determine. On examination, inquiry shall be made into the methods, accuracy and legality of the accounts, records, files and reports of the office, whether the laws, ordinances and orders pertaining to the office have been observed, and whether the requirements of the bureau have been complied with.

Biennial and annual examinations.

Sec. 285. The chief inspector and supervisor, each deputy inspector and each state examiner, shall have such authority to issue subpoena and compulsory process, to direct service thereof by a sheriff or constable, to compel the attendance of witnesses and the production of books and papers before him, to administer oaths, and to punish for disobedience of subpoena, refusal to be sworn, or to answer as a witness, or to produce books and papers, as is conferred upon officers authorized to take depositions. Sheriffs and constables shall receive the same fees as for like services in similar cases, and witnesses shall receive the same fees as are allowed in the common pleas court. The chief inspector, and, subject to his approval, each deputy inspector and each state examiner, shall likewise have authority to employ such experts or other assistants as may be necessary to disclose the facts concerning any matter under investigation, and fix their compensation.

Powers of inspection officers; employment of experts.

Sec. 286. The report of the examination shall set forth, in such detail as may be deemed proper by the bureau, the result of the examination with respect to each and every matter and thing inquired into and shall be made and signed by the state examiner in charge of the examination or by a deputy inspector, and shall be filed in the office of the bureau of inspection and supervision of public offices and certified copies thereof filed as follows: one in the office of the auditing department of the taxing district reported upon, and one in the office of the attorney general, prosecuting attorney, city solicitor, or mayor of a village, as hereinafter provided. If the report relates to the expenditure of public money from the state treasury or to the disposition of property belonging to the state, the certified copy thereof hereinbefore provided for shall be filed with the attorney general; if it relates to the expenditure of public money belonging to the treasury of a city or city school district or to the disposition of public property belonging to such city or city school district, the certified copy thereof shall be filed with the city solicitor of such city; if the report relates to the expenditure of public money belonging to the treasury of a village or the disposition of public property belonging to such village, the certified copy thereof shall be filed with the mayor of such village; if the report relates to the expenditure of public money belonging

Report of examination and filing of copies.

to the treasury of any other subdivision of the state or of a special taxing district or to any custodian of public funds other than the treasurer of state, the treasurer of a city, the treasurer of a city school district or the treasurer of a village, or to the disposition of public property belonging to such subdivision or special taxing district, or to any custodian of public property not otherwise mentioned herein, the certified copy thereof shall be filed with the prosecuting attorney of any county in which such political subdivision or special taxing district or part thereof is located, or in which such custodian of public money or public property resides. Such copy of the report may be so filed by expressing or mailing it to the office of the attorney general, city solicitor, mayor or prosecuting attorney, as the case may be.

Action for recovery of misappropriated funds.

If the report sets forth that any public money has been illegally expended or that any public money collected has not been accounted for, or that any public property has been converted or misappropriated, within ninety days after the receipt of such certified copy of such report the attorney general or such prosecuting attorney or city solicitor shall institute, and the mayor of such village shall cause to be instituted, and each of said officers is hereby authorized and required so to do, civil actions in the proper court in the name of the political subdivision or taxing district to which such public money is due or such public property belongs for the recovery of the same and shall prosecute, or cause to be prosecuted the same to final determination. Any such mayor of a village is hereby authorized and required to employ legal counsel for such purpose, who shall be paid out of the treasury of the village on voucher approved by the mayor and on the warrant of the village clerk, and the amount of such compensation shall constitute a charge against said village notwithstanding the failure of the council thereof to appropriate money or levy funds therefor. Each such prosecuting attorney, city solicitor, and mayor of a village shall notify the attorney general of the filing of such actions and keep him fully advised of the progress thereof; and the attorney general may appear in any such action on behalf of the particular political subdivision or taxing district and may, either in conjunction with or independently of such prosecuting attorney, city solicitor or legal counsel employed by a mayor, prosecute the same to final determination.

Malfeasance, misfeasance, etc.

If a report sets forth any malfeasance, misfeasance or gross neglect of duty on the part of any officer or employe for which a criminal penalty is provided by law, a certified copy thereof shall be filed with the prosecuting attorney of the county in which the offense is committed, and such prosecuting attorney shall, within ninety days after receipt thereof, institute criminal proceedings against such officer or employe.

No claim for money or property found to be due to any public treasury or custodian thereof in any such re-

port shall be compounded or compromised either before or after the filing of civil actions, by any board or officer or by order of any court unless the attorney general shall first give his written approval thereof. Compounding prohibited.

The term "public money" as used herein shall include all money received or collected under color of office whether in accordance with or under authority of any law, ordinance or order, or otherwise, and all public officials, their deputies and employes, shall be liable therefor. "Public money" defined.

Sec. 286-1. The civil actions provided for in section 286 of the General Code may be entertained, heard and determined by any court having jurisdiction of the amount involved or having jurisdiction to afford the remedy prayed for, notwithstanding the absence of any other provision of law authorizing such civil actions to be filed by the attorney general, prosecuting attorney, city solicitor or legal counsel employed by the mayor of a village. In any such action it shall be sufficient for the plaintiff to allege in the petition so much of the report of the bureau of inspection and supervision of public offices as relates to the claim against the defendant therein and that the amounts claimed against the defendant are unpaid, and it shall not be necessary in such petition separately to state and number any separate causes of action, the findings of such report, upon whatever claims or circumstances based, being considered for that purpose as constituting a single cause of action; nor shall the plaintiff be required to set forth in the petition any other or further matter relating to such claims. A certified copy of any portion thereof, shall constitute prima facie evidence of the truth of the allegations of the petition. Jurisdiction and prosecutions in civil actions.

Sec. 286-2. On the application of the plaintiff the court wherein such action is pending shall advance the cause on the docket. Advancement of causes.

Sec. 286-3. No cause of action on any matter set forth in any report made under authority and direction of section 286, General Code, shall be deemed to have accrued until such report is filed with the officer or legal counsel whose duty it is to institute civil actions for the enforcement thereof, and all statutes of limitations otherwise applicable thereto shall not begin to run until the date of such filing. When cause of action deemed to have accrued.

Sec. 286-4. In addition to any and all liability of any officer or employe for which he may be sued under the provisions of section 286 and the succeeding sections of the General Code, the sureties on any official bond given by any such officer or employe shall be liable to the same extent as the principal and such actions may be brought upon such official bonds. Liability of sureties.

Repeals.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original sections 284, 285 and 286 of the General Code be, and the same are hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
210 G.

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[House Bill No. 494.]

AN ACT

To amend section 4991 of the General Code, relating to expenses at primary elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4991 of the General Code be amended to read as follows:

Expenses, how apportioned and paid.

Sec. 4991. All expenses of primary elections, including cost of supplies for election precincts and compensation of the members and clerks of boards of deputy state supervisors, and judges and clerks of election, shall be paid in the manner provided by law for the payment of similar expenses for general elections except that the expenses of primary elections in political divisions less than a county shall be a charge against the township, city, village or political division in which said election was held, and the amount so paid by the county shall be retained by the county auditor, from funds due such township, city, village or political division, at the time of making the semi-annual distribution of taxes. The amount of such expenses shall be ascertained and apportioned by the deputy state supervisors to the several political divisions and certified to the county auditor. In municipalities situated in two or more counties, the proportion of expense charged to each of such counties shall be ascertained and apportioned by the clerk or auditor of the municipality and certified by him to the several county auditors.

County commissioners, township trustees, councils, boards of education or other authorities, authorized to levy taxes, shall make the necessary levy to meet such expenses.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, Attorney General.

SECTION 2. That said original section 4991 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate

Passed April 18th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
211 G.

[House Bill No. 420.]

AN ACT

To amend section 4072 of the General Code, and to provide for the management, control and administration of park property and playgrounds, by a board of park trustees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4072 of the General Code be and the same is hereby amended to read as follows:

Sec. 4072. Such trustees shall have the entire management and control of such property or funds, all improvements of every nature within such park or parks, moneys derived from levies made for park purposes, moneys from the general fund appropriated by the council for such purposes, proceeds of bonds issued or sold for park purposes, and of moneys or other property donated to any such municipality for park purposes, and of all other park property legally acquired; all of which moneys shall be placed in a special fund called the "park fund," and shall be disbursed by the treasurer of any such city or village, only upon a warrant of the auditor or clerk, drawn in accordance with the order of the board of park trustees.

Powers of board.

Such trustees shall have the control and management of parks, park entrances, parkways, boulevards and connecting viaducts and subways, children's playgrounds, public baths and stations of public comfort located in such parks, of all improvements thereon and the acquisition, construction, repair and maintenance thereof. The board shall exercise exclusively all the powers and perform all the duties in regard to such property, vested in and imposed upon the director of public service.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 4072 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 14th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
212 G.

[House Bill No. 284.]

AN ACT

To amend sections 3007, 11420, 11421, 11423, 11424, 11425, 11426 and 11433, of the General Code, relating to fees, appointment and duties of jury commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3007, 11420, 11421, 11423, 11424, 11425, 11426 and 11433, of the General Code, be amended to read as follows:

Compensation of commissioners of jurors.

Sec. 3007. For each day necessarily employed in the discharge of his duties, each jury commissioner of each county shall receive five dollars, but shall not be employed more than twenty days in any year. Provided nevertheless that the judges of the court of common pleas, in any county where more than two common pleas judges regularly hold court at the same time, may in joint session designate a period longer than twenty days but not to exceed sixty days during which such jury commissioners may act. Provided further that the judges of the court of common pleas, in any county where more than two common pleas judges hold court at the same time, may in joint session appoint and designate the jury commissioners to be assignment commissioners to attend to the assignment of all cases for trial and to discharge such other duties as the court may require and for such services to be rendered by them as assignment commissioners or otherwise they shall be allowed such compensation as the court appointing them may determine not to exceed two thousand two hundred ($2200.00) dollars per year each, to be paid monthly from the county treasury, and an entry shall be made in the court journal designating the persons appointed as jury commissioners and assignment commissioners and fixing their compensation.

Jury wheel.

Sec. 11420. The county commissioners of each county shall place in the custody of the jury commissioners, a wheel, so constructed that by turning it, the pieces of paper hereinafter mentioned will be thoroughly mixed, and the names

upon such pieces of paper wholly concealed until they are withdrawn therefrom.

Sec. 11421. Prior to the fourth Monday in May of each year, the judges of the court of common pleas in each county, or the judges of the common pleas court for each subdivision of every judicial district, or a majority of such judges, in joint session, shall appoint two electors in each county in which the common pleas court sits, not more than one of whom shall be of the same political party, to be jury commissioners in the county for one year, and until their successors are appointed and qualified; and record of such appointments shall be made upon the journals of each of such courts in each separate county.

Appointment of jury commissioners.

Sec. 11423. On the fourth Monday in May, the jury commissioners shall meet at the court house at 10 o'clock in the forenoon and shall there select such number of judicious and discreet persons, having the qualifications of electors of such county, as the court may direct, to be selected as nearly as may be from the several wards and townships in proportion to their respective population. No person shall be so selected who shall not, in the judgment of such commissioners, be competent in every respect to serve as a juror. When it shall become necessary, the commissioners shall meet at such time and place as the court of common pleas or a judge thereof may appoint, and shall there select such number of persons as the court by its order may direct and the names of such persons shall be selected, written and deposited in such wheel and certified to, as hereafter provided. The issuance, by order of court, of special venires shall not be affected.

Duties of jury commissioners.

Sec. 11424. After the jury commissioners have first ascertained the jury wheel to be entirely empty, the names of the persons so selected shall be written by the jury commissioners on separate pieces of paper, uniform in size, quality and color, which shall be placed in such wheel securely locked in the presence of the jury commissioners with two keys, one to be held by each of the jury commissioners and so constructed that the wheel cannot be opened except by the use of two keys. The commissioners, at the same time, shall make and sign two certificates containing all of such names, which they shall certify to be the names of the persons selected at the time and place aforesaid to serve as jurors for the ensuing year as their names shall be drawn, and that they are the same names as those placed in the wheel, which certificates shall be filed, one with the clerk and one with the court. The wheel shall be securely locked at all times, except when by order of court or a judge thereof, it shall be necessary to place names in it and draw them from it in the manner herein provided. The jury commissioners shall be the custodians of the wheel and the keys.

Further duties.

Sec. 11425. If either of the jury commissioners is sick or absent from the county, the judge or judges of the court

When a jury commissioner is unable to be present.

of common pleas of the subdivision in which such county is located, may appoint a judicious and disinterested person to take the place of such commissioner to perform the duties herein provided for. The person, so appointed, shall be of the same political party as the commissioner whose place is to be filled.

Drawing of grand and petit jurors.

Sec. 11426. When by order of a court of record or judge thereof in any county, except a police court or judge thereof, the clerk of the common pleas court is directed to cause the summoning of persons to serve as grand or petit jurors in such court, in the presence of the sheriff, judge and the jury commissioners, he at once shall turn the jury wheel several times until the pieces of paper therein are thoroughly mixed, then draw from it the number of names specified in the order, and unless otherwise therein directed, forthwith shall issue a venire facias to the sheriff commanding him to summon the persons whose names were so drawn, to attend as jurors at the time and place in the order stated. Except as otherwise provided by law, all grand and petit juries shall be impaneled from persons so selected and summoned. Should the jury commissioners be unable to attend because of sickness or absence from the county, the judge before whom the drawing is had shall designate two persons of opposite political parties to act as jury commissioners for the purpose of drawing the requisite names.

New jury and filling regular panel.

Sec. 11433. When the court, or a judge thereof, deems it necessary to have two petit juries, or when from any cause it becomes necessary to have a new petit jury, or a member or members to fill up the regular panel for the term, the court, or a judge thereof, may order the names of the number of jurors required for the new petit jury; or, in case he deems it necessary to fill up the regular panel, he may order not exceeding double the number of names of jurors required thereof to be drawn from the wheel by the jury commissioners, as in other cases, and a venire issued to summon them to appear as may be directed by the court, or a judge thereof.

SECTION 2. That original sections 3007, 11420, 11421, 11423, 11424, 11425, 11426 and 11433, of the General Code be and the same are hereby repealed.

Repeals.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 17th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
213 G.

[House Bill No. 492.]

AN ACT

To amend section 7217 and to repeal sections 7185, 7203, 7204, 7205, 7206, 7207, 7208, 7209 of the General Code, relating to the construction of turnpikes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7217 of the General Code be amended to read as follows:

Sec. 7217. Upon the location and establishment of any such turnpike road by the county commissioners and for the purpose in aiding in the construction and to provide a permanent fund for the maintenance and expense thereof, they may levy annually, in addition to other road taxes authorized by law, a tax for turnpike road purposes of not more than two mills on the dollar of valuation on the grand duplicate of taxable property in the county, and continue such levy from year to year, provided, however, that the levying of such tax shall conform to the restrictive limits of the maximum fifteen mill limit. When tax may be levied and how much.

SECTION 2. That said original sections 7185, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7217 of the General Code be, and the same are hereby repealed. Repeals.

SECTION 3. This act is hereby declared to be an emergency measure and its enactment is necessary for the immediate preservation of the public safety and to authorize the levy of taxes and assessments to pay bonds issued or to be issued and to discharge obligations under contracts made or to be made under said sections. Emergency act.

The sectional number herein is in conformity to the General Co.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
214 G.

[House Bill No. 393.]

AN ACT

To amend sections 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137 and 1138, to enact a new section to be known as section 1136-a and to repeal section 1135 of the General Code, relative to the sale of feed stuffs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137 and 1138 of the General Code be amended

and that a new section to be known as section 1136-a be enacted to read as follows:

Sec. 1129. Whoever sells or offers for sale within this state any feed stuffs or condimental stock or poultry feeds, animal or poultry regulators, conditioners, tonics, or similar articles, in car load lots or in bulk packages thereof, shall furnish with each car load or quantity in bulk or package thereof or affix to each bag, barrel or other package thereof, in a conspicuous place on the outside thereof, a plainly printed certificate, which shall state the number of net pounds in each car or quantity in bulk or in each package, the name, brand, or trade mark, under which it is sold or offered for sale, the name, and postoffice address of the manufacturer, shipper or vendor, and the names of each and all ingredients of which the article is composed. Such certificate shall contain also, a chemical analysis of the product to be sold which shall state the minimum percentage of crude protein, allowing one per cent. of nitrogen to equal six and one-fourth per cent. of protein of crude fat and crude fiber, also the maximum percentage of crude fiber of the product to be sold, excepting animal and poultry regulators, conditioners, tonics, or similar articles where only the names of the ingredients shall be required.

What certificate on outside of package shall state.

Sec. 1130. Before selling or offering for sale, any feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles within this state, each person, firm or corporation shall file for each and every brand of feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, a distinguishing name with the state board of agriculture and a certified copy of the certificate required by the preceding section and forward prepaid, on request of said board a sealed glass jar or bottle containing not less than one pound of such feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles with an affidavit that the quantity so forwarded is a fair sample of the product to be sold.

Copy of certificate and name filed with state board of agriculture.

Sample accompanied with affidavit.

Sec. 1131. Before selling or offering for sale within this state any feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics, or similar articles, a person, firm, or corporation shall pay each year a license fee to the state board of agriculture for the sale of each brand of feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, twenty-five dollars. The state board of agriculture may reject any application for license if the certificate provided for in the two preceding sections does not comply therewith, or if the name of any brand under the preceding section is misleading or not distinguishing. Upon the granting of such application and the payment of such fee said board shall issue a license for the current year. All licenses shall expire on the thirty-first day of December of each year. The payment of a license

License and fee for each brand.

fee by a person, firm or corporation shall exempt an agent thereof from the requirements of this section.

Term "feed stuffs" defined.

Sec. 1132. "Feed stuffs" in general shall be held to include all feeds used for live stock and poultry, and the following and similar articles of commerce; linseed meal, linseed oil cake, cotton seed meal, cotton seed cake, pea meal, cocoanut meal, rice meal, rice bran, rice polish, peanut meal, bean meal, gluten meal, gluten feeds, dried brewers' grains, dried distillers' grains, dried beet refuse, malt sprouts, hominy feeds, ceraline feeds, oat feeds, mixed feeds, alfalfa meal, molasses feeds, sugar feeds, mixed buckwheat bran, buckwheat hulls and buckwheat middlings, corn and corncob meal, crushed ear corn, corn bran and corn siftings when added to other ground grains, wheat bran and screenings, ground or unground mixed feeds made from seeds or grains or grain offal, clover meals, dried blood, blood meal, tankage, ground beef or fish scraps or other animal or vegetable bi-products; but such term shall not include hay, straw, whole seeds, unmixed meals made directly from the entire grains of wheat, rye, barley, Indian corn, buckwheat, broom corn, pure wheat bran or middlings, not mixed with other substances, when sold separately as distinct articles of commerce, nor entire grains of corn, oats, wheat, barley, buckwheat, ground together nor wheat bran and middlings not mixed with other substances.

Analysis shall be made each year.

Sec. 1133. Each year at least one analysis shall be made of each brand of feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, sold within this state. All such analyses shall be made under the direction of the state board of agriculture, and the expenses thereof paid by said board from a fund arising from payment of license fees provided for in section 1131.

Board authorized to take samples.

Sec. 1134. For the purpose of analysis and comparison with the certificate deposited with it and with the certificate on any car load quantity in bulk, or package, the state board of agriculture, or a person appointed by it, may take a quantity not exceeding two pounds from any car load, quantity in bulk or package of feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, exposed or offered for sale within this state, or in the possession of an agent, consumer or transportation company. In the performance of this duty said board, or a person appointed by it, may enter a car, warehouse, building or other structure containing such feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles. Any manufacturer, shipper, dealer, agent, clerk or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent a duly authorized person from collecting samples as above described or otherwise shall be guilty of a misdemeanor and shall upon con-

Penalty for hindering the taking of samples.

viction, be fined not less than ten dollars nor more than fifty dollars. To have in one's possession any of the above named articles shall for purposes of prosecution under this act be deemed to establish prima facie evidence that same is for sale.

Sec. 1136. Whoever sells or offers for sale within the state feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, without having complied with the provisions of this act, relating to feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, and whoever sells or offers or exposes for sale any feed stuffs containing a smaller percentage of crude protein, and a smaller percentage of crude fat, or a larger percentage of crude fiber, than it is certified to contain, and whoever sells or offers or exposes for sale, any condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics, or similar articles not containing ingredients they are certified to contain shall be fined not less than fifty dollars nor more than two hundred dollars and shall be liable for damages sustained by the purchasers thereof.

Penalty for violations.

Sec. 1136-a. That for the purpose of this act feeding material should be deemed adulterated if it contains any saw dust, dirt, damaged feed, rice hulls, chaff, peanut shells, crushed corncob, oat hulls or any foreign material whatever with little or no feeding value admixed. Provided, that no wholesome mixture of feed stuffs not containing any of the above named adulterants shall be deemed to be adulterated if the ingredients composing same be plainly and clearly stated on the package and is made known to the purchaser, as hereinafter designated as commercial feed stuffs.

Feeding material deemed adulterated when.

Sec. 1137. In all prosecutions under this act, a justice of the peace, police judge or mayor shall have final jurisdiction as in cases of violation of laws relating to the adulteration of feed and drink and dairy products.

Jurisdiction.

It shall be the duty of the state board of agriculture or its deputized representative to bring prosecution for all violations under the provisions of this act, or the attorney general when requested to do so by said board.

Board shall prosecute violations.

Sec. 1138. The state board of agriculture shall make an annual report of, and may publish from time to time analysis made and chemists' finding of ingredients on samples drawn as provided in section 1134 together with the analysis and ingredients guaranteed by the manufacturer, shipper or person. Such annual report shall contain a statement of moneys received and expended, from license fees collected for the sale of feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles. Any unexpended balance shall be credited to the agricultural fund.

Annual report of the board.

SECTION 2. That said original sections 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138 of the General Code be, and the same are hereby repealed. Repeals.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 15th, 1913.
Aproved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
215 G.

[House Bill No. 395.]

AN ACT

To amend section 4917 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4917 of the General Code be amended to read as follows:

Sec. 4917. After the last day of registration, and, if so directed by the state supervisor of elections, after each day of registration, the board of deputy state supervisors shall cause a number of copies of such lists for each precinct in such city respectively to be printed on broad side sheets of thick paper and in plain type, two of which lists they shall cause to be securely posted at the polling place of such precinct within five days after they receive such lists from the registrars, and one of which shall be delivered to the controlling committee of each political party or authorized committee of each set of candidates nominated by petition. Each list printed shall include all the names registered. Lists shall be printed and posted at polling place.

A copy of the complete registration prior to a November election from each precinct shall be retained by the board of deputy state supervisors, and each year, after the close of the annual registration, bound together in a volume and preserved in its office. They shall cause at least fifty additional copies of such list respectively to be printed in pamphlet form for immediate distribution. Copies of complete registration.

SECTION 2. That said original section 4917 of the General Code be, and the same is hereby, repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
216 G.

[House Bill No. 445.]

AN ACT

To amend section 5028 of the General Code relating to ballots in townships and villages with a population of less than two thousand.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5028 of the General Code be amended to read as follows:

Sec. 5028. The names of candidates for municipal offices and the names of candidates for township offices shall be printed upon separate ballots, unless the corporate limits of the municipalities are identical with those of a township. Separate ballots shall be provided in all townships and in municipalities having a population of less than two thousand in which no primary is had for making nominations, which ballots so intended for the use of voters shall be so arranged and printed that the names of all candidates, whose nominations for any offices specified in the ballot have been duly made, will be grouped under the designation or title of the office for which nominated, in alphabetical order according to surnames. A single blank line or space shall be left at the end of the list of candidates for each different office.

Separate ballots for township officers provided, when.

Ballot for candidates grouped for same office.

SECTION 2. That said original section 5028 of the General Code be, and the same is hereby, repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
217 G.

[House Bill No. 310.]

AN ACT

To amend section 10969 of the General Code, relating to authority of guardians and trustees in borrowing money and mortgaging real estate of wards.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10969 of the General Code be amended so as to read as follows:

Sec. 10969. In any case when at the time a person is adjudged an idiot, imbecile, lunatic, drunkard or insane there exists one or more mortgages or judgments that are a lien on his real estate, or when valid debts are due, which

may be a claim against the estate of such person, and would require the sale of his real estate to pay it, or when repairs or improvements may be for the benefit of such estate, or when real estate descends or is devised to a minor or minors, or to a person adjudged an idiot, imbecile, lunatic, drunkard or insane, which is liable for the payment of debts, or legacies or on which one or more mortgages or judgment liens exist, or when it is necessary to borrow money for the maintenance of such ward, the guardian of such person may borrow money and mortgage the real estate of his ward or a part thereof to pay such mortgage, debts, legacies and judgments, and such additional sum as by the court is deemed necessary, to make needed repairs and improvements thereon, or for the maintenance of such ward.

Guardian may borrow money and mortgage real estate of ward in certain cases.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 10969 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed April 14th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 8th, 1913.
218 G.

[Senate Bill No. 279.]

AN ACT

To prevent abuses in making special levies, loans and bond issues by amending sections 2296, 2300, 3799, 5654 and 5699 and by repealing sections 2443, 3801, 3802, 3803 and 5655 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5654 of the General Code be amended to read as follows:

Sec. 5654. The proceeds of a special tax, loan or bond issue shall not be used for any other purpose than that for which the same was levied, issued or made, except as herein provided. When there is in the treasury of any city, village, county, township or school district a surplus of the proceeds of a special tax or of the proceeds of a loan or bond issue which cannot be used, or which is not needed for the purpose for which the tax was levied, or the loan made, or the bonds issued, all of such surplus shall be transferred immediately by the officer, board or council having charge of such surplus, to the sinking fund of such city, village, county, township or school district, and thereafter shall be subject to the uses of such sinking fund.

Proceeds of special levies shall not be used for other purpose; transfer of surplus.

SECTION 2. That section 5699 of the General Code be amended to read as follows:

Auditor shall ascertain amount.

Sec. 5699. The county auditor shall carefully ascertain the net amount of taxes collected for each particular purpose.

SECTION 3. That section 2296 of the General Code be amended to read as follows:

Funds may be transferred by whom.

Sec. 2296. The county commissioners, township trustees, the board of education of a school district, or the council, or other board having the legislative power of a municipality, may transfer public funds, except the proceeds or balances of special levies, loans or bond issues, under their supervision, from one fund to another, or to a new fund created under their respective supervision, in the manner hereafter provided, which shall be in addition to all other procedure now provided by law.

SECTION 4. That section 2300 of the General Code be amended to read as follows:

Transfer upon finding of court.

Sec. 2300. If, upon the hearing the court finds that the notice has been given as herein required, that the petition states sufficient facts, that there are good reasons, or that a necessity exists for the transfer, and that no injury will result therefrom, it shall grant the prayer of the petition and order the petitioners to make such transfer. The court may make an order for the reimbursement, in whole or in part, of the fund from which such transfer is made.

SECTION 5. That section 3799 of the General Code be amended to read as follows:

Transfer of funds.

Sec. 3799. By the votes of three-fourths of all the members elected thereto, and the approval of the mayor, the council may at any time transfer all or a portion of one fund, or a balance remaining therein, except the proceeds of a special levy, bond issue or loan, to the credit of one or more funds, but there shall be no such transfer except among funds raised by taxation upon all the real and personal property in the corporation, nor until the object of the fund from which the transfer is to be effected has been accomplished or abandoned.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 6. That sections 2296, 2300, 2443, 3799, 3801, 3802, 3803, 5654, 5655 and 5699 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
219 G.

[Senate Bill No. 236.]

AN ACT

To amend sections 1434 and 1442 of the General Code, relative to Lake Erie fishing district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1434 and 1442 of the General Code be amended to read as follows:

Lake Erie district fishing seasons.

Sec. 1434. For the Lake Erie fishing district there shall be two seasons, the spring fishing season beginning on the fifteenth day of March and including and closing on the thirty-first day of August, and the fall fishing season beginnig on the first day of September and including and closing on the fifteenth day of December. No person shall draw, set, place, locate or maintain a pound net, gill net, trap net or any fish net whatever in the Lake Erie fishing district of this state between the fifteenth day of December and the fourteenth day of March, both inclusive.

Sizes specified.

Sec. 1442. It shall be unlawful for any person to take or catch a buffalo fish in the Lake Erie fishing district before March 15th, 1916, nor after that date such fish less than sixteen inches in length. No person shall have in his possession a white fish less than one and three-quarter pounds in the round, a cat fish less than fifteen inches in length, a sturgeon less than four feet in length, a carp less than sixteen inches, white bass less than ten inches, or a perch, bull head or pike less than nine inches in length. All such fish caught of a less length or weight than herein described shall be immediately released alive while the nets are being lifted in such a manner as not to injure them.

Removal of head or tail forbidden.

No cat fish or sturgeon shall be brought ashore with its head or tail removed or in such condition that its length cannot be measured. Nothing herein shall prohibit the catching of such fish with hook and line and not for profit; and the having in possession or failing to return to the water alive in the manner provided of a quantity of such undersized white fish, cat fish, sturgeon, carp, buffalo fish, white bass, perch or bull head not exceeding in weight three per cent. and all such pike not exceeding in weight ten per cent. of each boat load or part thereof, lot, catch or haul, brought into port of each variety of fish shall not be deemed a violation of this section.

Exception.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original sections 1434 and 1442 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.

220 G.

[Senate Bill No. 238.]

AN ACT

To supplement section 1437 of the General Code, relating to issuance of licenses by the commissioners of fish and game, by enacting new sections to be known as 1437-1 and 1437-2.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1437 of the General Code be supplemented by additional sections to be known as sections 1437-1 and 1437-2, as follows:

Sec. 1437-1. Within ten days after the expiration of any license, the licensee shall make and deliver a true and correct report to the commissioners of fish and game, upon blanks furnished by said commissioners, of the number and kinds of nets and of all other devices used in fishing, the number, kind and size of boats used and the amount, weight and kinds of fish caught by such licensee under such license during the season for which such license was issued.

Report of licensee to commissioner.

Sec. 1437-2. Upon the failure of any licensee to comply with the foregoing provisions of this act, the commissioners of fish and game shall refuse to issue any new license or to renew license of such licensee until such licensee has made such report and has complied with such provisions.

License withheld until compliance with law.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
221 G.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

[Senate Bill No. 113.]

AN ACT

To amend section 12619 of the General Code, and to supplement said section by the enactment of sections 12619-1 and 12619-2, relating to motor vehicles.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12619 of the General Code be amended so as to read as follows:

Sec. 12619. Whoever purposely takes, drives or operates or purposely causes to be taken, driven or operated upon the public road, highway or other public place, any motor vehicle without the consent of the owner thereof, shall, if the value of such motor vehicle is thirty-five dollars or more, be imprisoned in the penitentiary not less than one year nor more than five years or in the workhouse

Penalty for operating motor vehicle without owner's consent.

or county jail not to exceed four months, or fined not less than one hundred dollars nor more than five hundred dollars, or both, or if the value is less than that sum, be fined not more than fifty dollars nor less than twenty-five dollars.

Penalty for removing any part of motor vehicle.

Sec. 12619-1. Whoever maliciously or with intent to steal or without authority from the owner, unlawfully removes from any motor vehicle any portion of the running or steering gear, pump or any tire, rim, cover, tube, clock, casing, radiator, fire extinguisher, tool, lamp, starter, battery, coil, spring, gas or oil tank, bell or any signal device, speedometer, license number, horn, box, basket, trunk, or carrier, shield, hood, oiler, gauge, grease-cup, chain, lock nut, bracket, valve, bolt, rod, cap, screws, wire, spark-plug, carburetor, magneto, pipe, fan, belt, cylinder, switch, brake, electric bulbs, or any devise, emblem or monogram thereon, or any attachment, fastening or other appurtenance, or any other part or parts attached to said motor vehicle which are necessary in the use, control, repair or operation thereof, or whoever, knowingly buys, receives or has in his possession any of such articles or any part thereof, so unlawfully removed as aforesaid, shall be imprisoned in the county jail or workhouse not more than six months nor less than three months, or fined not more than five hundred dollars nor less than one hundred dollars.

Penalty for starting or changing any device, etc., of motor vehicle.

Sec. 12619-2. Whoever purposely and without authority from the owner, shall start or cause to be started, the motor of any motor vehicle or whoever purposely and maliciously shall shift or change the starting device or gears of a standing motor vehicle to a position other than that in which they were left by the owner or driver of said motor vehicle, or whoever, shall purposely cut, mark, scratch or damage the chassis, running gear, body, sides, top, robe, covering or upholstering of a motor vehicle, the property of another, or shall purposely destroy any part thereof with or by any liquid or other substance, or shall cut, mash, mark, or in any other way destroy or damage the cylinder, radiator, steering gear, fire-extinguisher, fan, belt, valve, pipe, wire, cap, lamp, gas or oil tank, cup, signal device, clock, chain, tool, coil, spring, speedometer, starter, battery, spark-plug, brake, tool box, oiler, pump, switch, nut, casing, tire, rim, tube, box, basket, trunk or carrier, rod, bolt, shield, fender, bracket, gauge, glass, hood, lock, cap, screw, carburetor, magneto, license number, electric bulb, or any device, emblem, monogram or other attachment, fastening or other appurtenance of a motor vehicle, without the permission of the owner thereof, or whoever purposely shall drain or start the drainage of any radiator or oil tank upon a motor vehicle, without permission of the owner thereof, or whoever purposely shall put any metallic or other substance or liquid, in the radiator, carburetor, oil-tank, grease-cup, oilers, lamps, or machinery of a motor vehicle, with the intent to injure or damage the same or impede the working of the machinery, or whoever

shall maliciously tighten or loosen any bracket, bolt, wire, screw or other fastening on a motor vehicle, or whoever shall purposely release the brake upon a standing motor vehicle, with the intent to injure said machine, shall, upon conviction thereof, be imprisoned in the workhouse or county jail not more than three months nor less than thirty days, or fined not more than one hundred dollars nor less than fifty dollars.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 12619 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
222 G.

[Senate Bill No. 108.]

AN ACT

To amend section 3809 of the General Code, relative to the powers of city councils to provide for light, water and other public necessaries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3809 of the General Code be amended to read as follows:

Council may provide for light, water and certain public necessaries.

Sec. 3809. The council of a city may authorize, and the council of a village may make, a contract with any person, firm or company for lighting the streets, alleys, lands, lanes, squares and public places in the municipal corporation, or for furnishing water to such corporation, or for the collection and disposal of garbage in such corporation, or for the leasing of the electric light plant and equipment, or the waterworks plant, or both, of any person, firm, company or municipality or for the purchase of electric current for furnishing light, heat or power to such municipality or the inhabitants thereof for a period not exceeding ten years, and the requirement of a certificate that the necessary money is in the treasury, shall not apply to such contract, and such requirement shall not apply to street improvement contracts extending for one year or more, nor to contracts made by the board of health, nor to contracts made by a village for the employment of legal counsel, nor to contracts by a municipality for the leasing or acquisition of the electric light plant and equipment, or the waterworks plant, or both, of any person, firm or corporation therein situated.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 3809 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
223 G.

[Senate Bill No. 264.]

AN ACT

To supplement section 7630 General Code by the enactment of a section to be known and designated as section 7630-1 and to amend section 5649-4 of the General Code for the purpose of facilitating the replacement of school houses condemned or destroyed by fire or other casualty.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7630 of the General Code be supplemented by the enactment of a section to be known and designated as section 7630-1 as follows; and that section 5649-4 of the General Code be amended so as to read as follows:

Replacement of school houses condemned or destroyed.

Sec. 7630-1. If a school house is wholly or partly destroyed by fire or other casualty, or if the use of any school house for its intended purpose is prohibited by any order of the chief inspector of workshops and factories, and the board of education of the school district is without sufficient funds applicable to the purpose, with which to rebuild or repair such school house or to construct a new school house for the proper accommodation of the schools of the district, and it is not practicable to secure such funds under any of the six preceding sections because of the limits of taxation applicable to such school district, such board of education may, subject to the provisions of sections seventy-six hundred and twenty-six and seventy-six hundred and twenty-seven, and upon the approval of the electors in the manner provided by sections seventy-six hundred and twenty-five and seventy-six hundred and twenty-six issue bonds for the amount required for such purpose. For the payment of the principal and interest on such bonds and on bonds heretofore issued for the purposes herein mentioned and to provide a sinking fund for their final redemption at maturity, such board of education shall annually levy a tax as provided by law.

Emergencies.

Sec. 5649-4. For the emergencies mentioned in sections forty-four hundred and fifty, forty-four hundred and

fifty-one, fifty-six hundred and twenty-nine, seventy-four hundred and nineteen and 7630-1 of the General Code, the taxing authorities of any district may levy a tax sufficient to provide therefor irrespective of any of the limitations of this act.

SECTION 2. That original section 5649-4 of the General Code is hereby repealed.

Emergency act.

SECTION 3. This act is hereby declared to be an emergency act, necessary for the immediate preservation of the public safety. The emergency necessitating the enactment of this act arises out of the fact that there are many school buildings in this state, the continued use of which for school purposes is exceedingly dangerous and threatens at any time to result in catastrophe; and that although the use of such buildings has been prohibited under authority of law by the chief inspector of workshops and factories, the school authorities are not able to issue and sell bonds to make the necessary repairs and improvements because of the limitations imposed by law upon the rates of taxation.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
224 G.

[Senate Bill No. 244.]

AN ACT

To amend sections 122, 159, 169, 353, 406, 409, 418, 421, 425, 664, 716, 790, 742-2, 812, 881, 1058-15, 1182, 1261-7, 1266, 1298, 1316, 1392, 1465-56, 1935, 5315, 7945, 7983 and 14046 of the General Code requiring deposit of all state surety bonds with the secretary of state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 122, 159, 169, 353, 406, 409, 418, 421, 425, 664, 716, 790, 742-2, 812, 881, 1058-15, 1182, 1261-7, 1266, 1298, 1316, 1392, 1465-56, 1935, 5315, 7945, 7983, and 14046 of the General Code be amended to read as follows:

Term of office.

Sec. 122. Each notary shall hold his office for the term of three years unless his commission shall be revoked. Before entering upon the duties of his office, he shall give bond to the state in the sum of fifteen hundred dollars with sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. A copy of the bond shall be filed in the office of the clerk of the court

Bond, where bond and copies filed.

of common pleas of, the county in which he resides, and of each county for which he shall have been appointed. A notary public shall take and subscribe an oath to be indorsed on his commission. Said bond shall be deposited with the secretary of state and kept in his office.

Sec. 159. Before entering upon the discharge of the duties of his office, the assistant secretary of state shall give bond to the secretary of state in such sum and with such sureties as the secretary of state may require, conditioned for the faithful discharge of the duties of his office. Such bond shall be deposited with the secretary of state and kept in his office.

Bond of assistant secretary of state, where filed.

Sec. 169. Each proposal shall be accompanied with a bond to the state, executed by the bidder, with at least two sufficient sureties, satisfactory to the secretary of state, in the sum of forty thousand dollars, conditioned for the performance in accordance with law of the contract or contracts awarded him, and for the payment to the state, by the bidder, as liquidated damages, of any excess of cost over the bid or bids of such bidder which the state may be obliged to pay for such paper by reason of the failure of the bidder to complete his contract. This bond shall be void if no contract is awarded to him, and no bid unaccompanied with such bond shall be entertained by the secretary of state. Such bond shall be deposited with the secretary of state and kept in his office.

Bond shall accompany proposal.

Where filed.

Sec. 353. Before entering upon the discharge of the duties of his office, the superintendent of public instruction shall give a bond to the state in the sum of five thousand dollars, with two or more sureties approved by the secretary of state, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the secretary of state and the oath of office indorsed thereon, shall be deposited with secretary of state and kept in his office.

Bond of superintendent, where filed.

Sec. 406. The superintendent of public works shall give bond to the state in the sum of thirty thousand dollars, with two or more sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the oath of office and the approval of the governor indorsed thereon, shall be deposited with secretary of state and kept in his office.

Bond of superintendent, where filed.

Sec. 409. Before entering upon the discharge of the duties of his office, the secretary to the superintendent of public works shall give a bond to the state in the sum of five thousand dollars, with two or more sureties, approved by the superintendent, conditioned for the faithful discharge of the duties of his office. Such bond with the oath of office and the approval of the superintendent indorsed thereon, shall be deposited with the secretary of state and kept in his office.

Bond of secretary, where filed.

Sec. 418. Before entering upon the discharge of the duties of his office, each superintendent of repairs and each collector of tolls shall give a bond to the state in such sum

as the superintendent of public works may require, with two or more sureties approved by the superintendent, conditioned for the faithful discharge of the duties of his office. Such bond, with the oath of office and the approval of the superintendent indorsed thereon, shall be deposited with the secretary of state and kept in his office.

Bond of appointees, where filed.

Sec. 421. Before entering upon the discharge of the duties of his office, the chief engineer of public works and the assistant engineer of public works, shall each give a bond to the state in the sum of ten thousand dollars, with two or more sureties, approved by the superintendent of public works, conditioned for the faithful discharge of the duties of his office. Such bond, with the oath of office and the approval of the superintendent of public works indorsed thereon, shall be deposited with the secretary of state and kept in his office.

Sec. 425. Before entering upon the discharge of the duties of his office, each field engineer shall give a bond to the state in the sum of ten thousand dollars, with two or more sureties approved by the superintendent of public works and the chief engineer, conditioned for the faithful discharge of the duties of his office. Such bond with the approval of such officers and the oath of office indorsed thereon, shall be filed with the secretary of state and kept in his office.

Bond of field engineers, where filed.

Sec. 664. Before receiving such license such person shall execute and deliver to the superintendent of insurance a bond in the sum of two thousand dollars, payable to the state, with at least two sureties, approved by the superintendent and conditioned that he will faithfully comply with all the requirements of this law, and will annually file with the superintendent of insurance in January, a sworn statement of the gross premiums charged for insurance procured or placed, and the gross premiums on such insurance cancelled under such license during the year ending on the thirty-first day of December last preceding and at the time of filing such statement will pay to the superintendent of insurance an amount equal to five per cent. of the balance of such gross premiums after deducting such return premiums so reported. Such bond shall be deposited with the secretary of state and kept in his office.

Bond, where filed.

Sec. 716. Before entering upon the discharge of his duties, the superintendent of banks shall give bond to the state in the sum of fifty thousand dollars with sureties approved by the governor, conditioned for the faithful discharge of his official duties. Such bond, with the approval of the governor and the oath of office indorsed thereon, shall be filed with the secretary of state and kept in his office.

Bond of superintendent, where filed.

Sec. 742-2. Upon taking possession of the property and business of such corporation, company, society or association, the superintendent of banks is authorized to collect money due to such corporation, company, society or association, and do such other acts as are necessary to pre-

Collections.

serve its assets and business, and shall proceed to liquidate the affairs thereof, as hereinafter provided. The superintendent of banks shall collect all debts due and claims belonging to it, and upon the order of the common pleas court in and for the county in which the office of such corporation, company, society or association was located may sell or compound all bad or doubtful debts, and on like order may sell all the real estate and personal property of such corporation, company, society or association, on such terms as the court shall direct; and the superintendent of banks upon the terms of sale or compromise directed by the court, shall execute and deliver to the purchaser of such real or personal property, such deeds or instruments as shall be necessary to evidence the passing of the title; and if said real estate is situated outside of the county in which the office of the corporation, company, society or association was located, a certified copy of such order authorizing and ratifying said sale shall be filed in the office of the recorder of the county within which said property is situated; and may, if necessary to pay the debts of such corporation, company, society or association, enforce the individual liability, if any, of the stockholders. The superintendent of banks may under his hand and official seal appoint one or more special deputy superintendents of banks as agent or agents, to assist him in the duty of liquidation and distribution, a certificate of appointment to be filed in the office of superintendent of banks and a certified copy in the office of the clerk of the county in which the office of such corporation, company, society or association was located. The superintendent of banks shall require from such agent or agents such surety for the faithful discharge of their duties as he may deem proper. All bonds given shall be deposited with the secretary of state and kept in his office.

Special deputies.

Bonds of agents, where filed.

Sec. 790. Before entering upon the discharge of the duties of his office, the librarian and each assistant shall give bond to the state, the former in the sum of ten thousand dollars and the latter in the sum of one thousand dollars, with two or more sureties approved by the board of library commissioners, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the board and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office.

Bond of librarian and assistants, where filed.

Sec. 812. Before entering upon the discharge of the duties of his office, the state commissioner of soldier's claims shall give a bond to the state in the sum of ten thousand dollars, with two or more sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the governor and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office.

Bond of commissioner, where filed.

Sec. 881. Each special agent and district superintendent may be required by the commissioner of labor statistics

Bond of special agents, where filed.

to give a bond to the state in such an amount not exceeding two thousand dollars with such sureties as the commissioner approves. Said bond shall be deposited with the secretary of state and kept in his office.

Sec. 1058-15. The chief inspector of steam boilers shall give a bond payable to the state in the sum of five thousand dollars, with surety to be approved by the governor, conditioned upon the faithful performance of his duty. Like bonds shall be given in the sum of two thousand dollars to be approved in the same manner by the assistant chief inspector and by each general inspector. Such bonds, with the approval of each general inspector of steam boilers and of the assistant chief inspector of steam boilers, shall be deposited with the secretary of state and kept in his office.

Bond of chief inspector and assistants, where filed.

Sec. 1182. The state highway commissioner may also appoint the following division engineers. Not more than four in the bureau of construction and not to exceed two in the bureau of maintenance, and not to exceed two in the bureau of bridges. Each of said division engineers shall be paid a salary to be fixed by the state highway commissioner, not to exceed $2,000 per annum, and each of whom shall be paid in addition to his salary his actual traveling expenses not to exceed $1,000 in any one year. Said state highway commissioner may also appoint a chief clerk, who shall receive a salary, fixed by the highway commissioner, not to exceed $1,500 per annum. Not to exceed sixty per cent. of the above appointees shall be of the same political party. He may also appoint eight additional clerks or stenographers, and four of said additional clerks or stenographers shall each receive a salary fixed by the state highway commissioner not to exceed $1,000 per annum, and four of whom shall each receive a salary fixed by said highway commissioner not to exceed $800 per annum. The highway commissioner may require all of the appointees heretofore mentioned to give bond in such amount and with sureties to be approved by him and conditioned on the faithful performance of the duties of their office or employment. If the surety be a qualified surety company, the premium on such bond or bonds, including the bond of the state highway commissioner, shall be paid out of any fund or funds for the contingent expenses of the department. All such bonds shall be deposited with the secretary of state and kept in his office.

Division engineers and salaries.

Chief clerk.

Stenographers.

Bond of appointees, where filed.

Sec. 1261-7. Within ten days after his appointment the said inspector shall give a bond, payable to the state of Ohio, for the faithful performance of his duties in the sum of five thousand dollars. Said bond when approved by the attorney general shall be deposited with the secretary of state and kept in his office.

Bond of inspector, where filed.

Sec. 1266. The treasurer of the state medical board shall give a bond to the state in the sum of ten thousand dollars with two or more sureties approved by the board conditioned, for the faithful discharge of the duties of his

office. Such bond, with the approval of the board and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office. Bond of treasurer, where filed.

Sec. 1298. The treasurer of the state board of pharmacy shall give a bond to the state in the sum of one thousand dollars, with two or more sureties approved by the board, conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the board indorsed thereon, shall be deposited with the secretary of state and kept in his office. Bond of treasurer, where filed.

Sec. 1316. Before entering upon the discharge of the duties of his office, the secretary and the treasurer of the state dental board shall give a bond to the board in such sum and with such sureties as the board directs. Each month all moneys received by the secretary shall be paid to the treasurer of the board. Such bonds shall be deposited with the secretary of state and kept in his office. Bond of secretary and treasurer, where filed.

Sec. 1392. Before entering upon the discharge of the duties of his office, each warden shall give bond to the state; the chief warden in the sum of two thousand dollars, each deputy state warden in the sum of two hundred dollars, and each special warden in the sum of five hundred dollars, with two or more sureties approved by the commissioners of fish and game, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the commissioners and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office. Bond of chief and deputy wardens, where filed.

Sec. 1465-56. The treasurer of state shall give a separate and additional bond, in such amount as may be fixed by the governor, and with sureties to his approval, conditioned for the faithful performance of his duties as custodian of the state insurance fund herein provided for. Such bond shall be deposited with the secretary of state and kept in his office. Bond of treasurer of state, where filed.

Sec. 1935. On the nomination of the superintendent, the board of trustees of the home shall appoint a clerk for the institution who shall hold his office at the pleasure of the board. The duties of the clerk shall be prescribed by the trustees. Before entering upon his duties, the clerk shall give a bond to the state in the sum of five thousand dollars with two or more sureties, approved by the attorney general, conditioned for the faithful performance of the duties of his office. Such bond with the approval of the attorney general, and the oath of office indorsed thereon, shall be filed in the office of the secretary of state. Appointment of clerk. Bond, where filed.

Sec. 5315. Each person elected or appointed to have the custody of any funds of a military organization, before receiving such fund, shall enter into bond in twice the amount likely to be in his hands at any time, but not less than five hundred dollars, with at least two good and sufficient sureties, to be approved by the auditor of the proper county, payable to the state of Ohio, for the use of such organization, for the faithful discharge of his du-

Bond of treasurer, where filed.

ties, and the careful keeping and disbursement of such funds, as directed by the council of administration of such organization. Such bond shall be deposited with the secretary of state and kept in his office.

Sec. 7945. Before entering upon the duties of his office the treasurer shall give bond to the state in such sum as the board of trustees determines, but not a less sum than the probable amount that will be under his control in any one year, conditioned for the faithful discharge of his duties and the payment of all moneys coming into his hands, the bond to be approved by the attorney general of the state. Such bond shall be deposited with the secretary of state and kept in his office.

Bond of treasurer, where filed.

Sec. 7983. The treasurer of such department shall give to the state a bond to be approved by the attorney general in the sum of twenty thousand dollars conditioned that he shall faithfully discharge his duties and account for any money coming into his hands from the state. Such bond shall be deposited with the secretary of state and kept in his office.

Bond of treasurer, where filed.

Sec. 14046. The superintendent of public works, until otherwise provided by law, shall appoint so many collectors of canal tolls on each of the canals of this state, as they shall deem necessary for the punctual collection of tolls on such canals; shall require each collector to give bond, with sufficient security for the faithful performance of his duties, in such sum as the superintendent shall prescribe; and shall designate the place where the office of such collector shall be kept, and shall determine what reasonable salary or other allowance shall be received by each collector for his services. Such bonds shall be deposited with the secretary of state and kept in his office.

Superintendent appoint collectors, require bonds and fix salaries.

Bonds, where filed.

Repeals.

The sectional numbers herein are in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original sections 122, 159, 169, 353, 406, 409, 418, 421, 425, 664, 716, 790, 742-2, 812, 881, 1058-15, 1182, 1261-7, 1266, 1298, 1316, 1392, 1465-56, 1935, 5315, 7945, 7983, and 14046 be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 14th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
225 G.

[Senate Bill No. 199.]

AN ACT

To supplement section 10092 of the General Code, by the enactment of sections 10092-1, 10092-2, 10092-3, 10092-4 and 10092-5, to further define duties and powers of a charitable trust.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10092 of the General Code be supplemented by the enactment of additional sections to be known as sections 10092-1, 10092-2, 10092-3, 10092-4 and 10092-5, as follows:

Duties of trustees of a charitable trust.

Sec. 10092-1. When any person by deed or will shall grant or devise property and money, or either, to trustees in perpetuity, in trust, the principal and income of which, or such part thereof as may be provided by such deed or will, to be used and applied by said trustees and their successors in office for educational, charitable or benevolent purposes, to be conducted in this state, and such deed or will provides that the trustees shall become a body corporate to hold and invest said property and money, and to administer said trust, said trustees upon accepting said trust shall file with the secretary of state articles of incorporation as now provided by law in cases of corporations not for profit, together with a certified copy of such deed or will, and thereupon said trustees and their successors in office shall become a corporation not for profit to administer said trust, and said trustees shall forthwith become the board of trustees thereof for such term as may be prescribed by such deed or will or by the regulations hereinafter provided for. The members of the board of trustees and their successors forever during their respective terms of office shall be the members of the corporation.

Provision for incorporation.

Regulations for the administration of trust.

Sec. 10092-2. Such corporation shall adopt and maintain regulations for its government and the administration of said trust, in conformity to the provisions of such deed or will. Such regulations shall provide for the election or appointment of the trustees of said corporation and their successors, to fill vacancies or otherwise, and for their term of office, so as to conform to any provision in respect thereto contained in such deed or will, and said trustees and their successors shall be so elected or appointed and for the term so provided. If such deed or will shall contain no provision as to the manner of electing or appointing the trustees or as to their term of office, they shall be elected or appointed in the manner and for the term provided by the General Code relating to corporations not for profit, or by regulations adopted pursuant thereto.

Officers of corporation.

Sec. 10092-3. The officers of such corporation, in addition to the board of trustees, shall be a president, vice-president, treasurer and secretary, the first three of whom shall be members of the board of trustees. The board of trustees may create such other offices as may be deemed necessary or that may be designated by such deed or will.

Subsequent grant or devise.

Sec. 10092-4. The trustees of such corporation may accept any subsequent grant or devise of money or property, made to them or to such corporation in perpetuity, in trust, the principal or income of which or any part thereof as may be provided by such grant or devise, to be used and applied to and for the purposes for which said original trust was established, and in such case said property and money shall be invested and administered in accordance with the regulations of such corporation. A certified copy of the deed or will making such grant or devise shall be filed with the secretary of state to be placed with the articles of incorporation and other papers relating thereto on file in his office.

Prosecuting attorney shall examine accounts and records.

Annual report.

Sec. 10092-5. The prosecuting attorney of the county in which said corporation has its general office whenever he may deem it necessary is authorized to examine the accounts and records of such corporation, and may proceed by action in the proper courts, to enforce the administration of the trust and the investment and application of the funds and property thereof in accordance with the provisions of the deed or will creating the same. A copy of the annual financial report of the corporation showing the condition of said trust shall be filed with the probate judge of said county each year.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 12th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
226 G.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

[Senate Bill No. 172.]

AN ACT

To amend section 4756 of the General Code, relating to boards of education and right to contract for sale of property.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4756 of the General Code be amended to read as follows:

How real property may be sold.

Sec. 4756. When a board of education decides to dispose of real or personal property, held by it in its corporate capacity, exceeding in value three hundred dollars, it shall sell such property at public auction after giving at least thirty days' notice thereof by publication in a newspaper of general circulation or by posting notices thereof in five of the most public places in the district in which such property is situated. When the board has twice so of-

fered a tract of real estate for sale at public auction and it is not sold, the board may sell it at private sale, either as an entire tract or in parcels, as the board deems best. Provided, however, that in case the board of education decides to dispose of such real property, it may sell and convey the same to any municipality or board of trustees of the school district library in which such real estate is situated, upon such terms and conditions as may be agreed upon. The president and secretary of the board shall execute and deliver deeds necessary to complete the sale or transfer provided for by this section.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 4756 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
227 G.

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[Senate Bill No. 202.]

AN ACT

To amend section 1436 of the General Code, relative to licenses in the Lake Erie Fishing district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1436 of the General Code be amended to read as follows:

Sec. 1436. The fees for licenses in the Lake Erie fishing district for each fishing season defined in this chapter shall be as follows: Fees

For each row boat used in fishing with gill nets, four dollars;

For each sail boat used in fishing with gill nets, six dollars;

For each gasoline power boat used in fishing with gill nets, twelve dollars and fifty cents;

For each steam boat used in fishing will gill nets, twenty dollars;

For each row boat used in fishing with trot lines, one dollar and fifty cents;

For each seine used in fishing, four dollars;

For each pound net used in fishing, three dollars;

For each net or other device used in fishing, other than a gill net, seine, pound net or hook and line, one dollar and fifty cents.

SECTION 2. That said original section 1436 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
228 G.

[Senate Bill No. 218.]

AN ACT

To amend section 1283 of the General Code and to supplement said section 1283 by the enactment of an additional section to be known as section 1283-1, relating to the practice of medicine and surgery.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1283 of the General Code be amended, and said section 1283 be supplemented by the enactment of an additional section 1283-1 as follows:

Examination to practice midwifery; filing application.

Sec. 1283. Each person who desires to practice midwifery in this state, and is not authorized by law so to do, shall appear before the state medical board and submit to such examination as the board requires.

In order to be admitted to the examination the applicant shall file with the secretary of the state medical board a written application, under oath, on a form prescribed by the board, and furnish satisfactory proof that she is more than twenty-one years of age and of good moral character.

Evidence of preliminary education required; diploma.

At the time of her application, the applicant shall file with the secretary of the state medical board such evidence of preliminary education as is required by law of applicants for examination to practice medicine or surgery and present a diploma from a legally chartered school of midwifery, in good standing, as defined by the board, at the time the diploma was issued, or a diploma or license approved by the board which conferred the full right to practice midwifery in a foreign country, with her affidavit that she is the person named therein and is the lawful possessor thereof, stating her age, residence, the school or schools at which she obtained her education in midwifery, the time spent in each, the time spent in the study of midwifery and such other facts as the state medical board requires. If engaged in the practice of midwifery, the affidavit shall state the period during which and the place where she has been so engaged.

When applicant admitted to examination.

Sec. 1283-1. If the state medical board finds that the applicant has obtained the credentials necessary for admission to the examination, that her diploma is genuine and granted by a legally chartered school of midwifery; in good standing, as determined by the board, or that her license is genuine and confers upon her full right to practice midwifery in the foreign country in which she obtained it, and of a standard approved by the board, that the person named in the diploma or license is the person holding and presenting it and is of good moral character, the board shall admit such applicant to an examination.

e sectional mbers herein e in conform- to the Gen- al Code. MOTHY S. HOGAN, torney General.

SECTION 2. That said original section 1283 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
229 G.

[Senate Bill No. 154.]

AN ACT

To amend section 13423 of the General Code, relating to the jurisdiction of justices of the peace, police judges and mayors of cities and villages.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13423 of the General Code be amended to read as follows:

Special jurisdiction of justices, police judges and mayors.

Sec. 13423. Justices of the peace, police judges and mayors of cities and villages shall have jurisdiction, within their respective counties, in all cases of violation of any law relating to:

1. Adulteration or deception in the sale of dairy products and other food, drink, drugs and medicines.

2. The prevention of cruelty to animals and children.

3. The abandonment, non-support or ill treatment of a child by its parent.

4. The abandonment or ill treatment of a child under sixteen years of age by its guardian.

5. The employment of a child under fourteen years of age in public exhibitions or vocations injurious to health, life or morals, or which cause or permit it to suffer unnecessary physical or mental pain.

6. The regulation, restriction or prohibition of the employment of minors.

7. The torturing, unlawfully punishing, ill treating, or depriving anyone of necessary food, clothing or shelter.

8. The selling, giving away or furnishing of intoxicating liquors as a beverage, or keeping a place where such liquor is sold, given away or furnished, in violation of any law prohibiting such acts within the limits of a township and without the limits of a municipal corporation.

9. The shipping, selling, using, permitting the use of, branding or having unlawful quantities of illuminating oil for or in a mine.

10. The sale, shipment or adulteration of commercial feed stuffs.

11. The use of dust creating machinery in workshops and factories.

12. The conducting of a pharmacy, or retail drug or chemical store, or the dispensing or selling of drugs, chemicals, poisons or pharmaceutical preparations therein.

13. The failure to place and keep in a sanitary condition a bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, eating house, packing house, slaughter house, ice cream factory, or place where a food product is manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose.

14. Offenses for violation of laws in relation to inspection of steam boilers, and of laws licensing steam engineers and boiler operators.

15. The prevention of short weighing and measuring and all violations of the weights and measures laws.

The sectional number herein is in conformity to the General Code.

SECTION 2. That section 13423 of the General Code be, and the same is, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
230 G.

[House Bill No. 122.]

AN ACT

To amend section 2633 of the Ohio General Code, relative to the bond of county treasurers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2633 of the General Code be amended to read as follows:

Bond of treasurer; oath.

Sec. 2633. Before entering upon the duties of his office, the county treasurer shall give bond to the state in such

sum as the commissioners direct with two or more bonding or surety companies as surety, or at his option, with four or more free-hold sureties approved by the commissioners and conditioned for the payment, according to law, of all moneys which come into his hands, for state, county, township or other purposes. If bond with bonding or surety companies as surety, be given, the expense or premium for such bond shall be paid by the commissioners and charged to the general fund of the county. Such bond, with the oath of office and the approval of the commissioners endorsed thereon, shall be deposited with the auditor of the county and by him carefully preserved in his office. Such bond shall be entered in full on the record of the proceedings of the commissioners, on the day when accepted and approved by them.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 2633 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
231 G.

[House Bill No. 244.]

AN ACT

To amend section 7818 of the General Code of Ohio, relating to examination of applicants for county teachers' certificates.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7818 of the General Code be amended to read as follows:

Majority may examine and grant certificates.

Sec. 7818. A majority of the board may examine applicants and grant certificates. An applicant for a county teachers' certificate may, if he so elects, take one-half of the subjects in which he is to be examined on one day and the remaining one-half not later than the second regular examination day thereafter. The subjects to be taken the first day by an applicant shall be determined by the board of county examiners. If an applicant electing to take the examination in two days fails to obtain on the first day a grade of seventy-five per cent. or more in any subject or subjects, such applicant may elect to be re-examined in such subject or subjects on the second day on which such applicant is to be examined. As a condition of any applicant being admitted to take the examination he shall pay to the board for the use of the county institute a fee of

Applicant may elect to take in part or in toto on one day.

fifty cents. Applicants taking the examination in two parts shall make on the date when each part is taken an application accompanied with a fee of fifty cents. Whenever ten or more persons wishing to take an examination for county teachers' certificates sign and send a request in writing to the president of the county board of school examiners requesting said board to hold an examination at a village in the county other than at the county seat the said board shall hold such examination as requested and it shall be their duty to give notice for two weeks in two newspapers published in the county the date and place such examination shall be held.

When examination may be held at place other than county seat.

SECTION 2. That said original section 7818 of the General Code be, and the same is hereby repealed.

The sectional number herein is in conformity to the General Code.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN,
Attorney General.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
232 G.

[House Bill No. 318.]

AN ACT

To amend sections 1546 and 1550, of the General Code, providing for the appointment, and compensation of official court stenographers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1546 and 1550 of the General Code, be amended so as to read as follows:

Sec. 1546. When in its opinion the business requires it, the court of common pleas of a county may appoint a stenographic reporter as official stenographer of such court, who shall hold the appointment for a term not exceeding three years from the date thereof, and until a successor is appointed and qualified, unless removed by the court, after a good cause shown, for neglect of duty, misconduct in office, or incompetency. Such official stenographer shall take an oath to faithfully and impartially discharge the duties of such position.

Official court stenographer, term.

Sec. 1550. Each such stenographer shall receive such compensation as the court making the appointment shall fix, not exceeding twenty-four hundred dollars each year in counties where more than three judges of the court of common pleas hold court regularly, and in all other counties not exceeding eighteen hundred dollars per annum. Such compensation shall be in place of all per diem com-

Compensation.

Maximum per diem.

pensation in such courts. Provided, however, that in case such appointment shall be for a term of less than one year, such court may allow a per diem compensation not exceeding the sum of ten dollars per day, for each day such stenographer shall be actually engaged in taking testimony or performing other duties under the orders of such court, which allowance shall be in full for all services so rendered.

The auditor of such county shall issue warrants on the treasurer thereof for the payment of such compensation in equal monthly installments, when the compensation is allowed annually, and when in case of services per diem, for the amount of the bill approved by the court, from the general fund upon the presentation of a certified copy of the general entry of appointment and compensation of such stenographers. Payment.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 1546 and 1550 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
233 G.

[House Bill No. 622.]

AN ACT

To amend sections 621, 622 and 623 of the General Code, relating to the superintendent of insurance, and further defining his powers and duties.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 621, 622 and 623 of the General Code be amended to read as follows:

Sec. 621. The superintendent shall appoint a warden who shall investigate all reported violations of law relating to insurance. Warden.

Sec. 622. The superintendent of insurance may employ, with the approval of the governor, an actuary and such additional clerks as the prompt dispatch of business requires, and skilled and competent persons to examine and report the business and affairs of insurance companies. The compensation of such deputy superintendent, actuary, warden, clerks and examiners shall be fixed by the superintendent with the approval of the governor. Actuary, clerks and experts; compensation.

Sec. 623. The superintendent of insurance, or when directed by him under his official seal, the deputy superintendent or warden, may summon and compel by order or Powers to compel the attendance of witnesses.

subpoena the attendance of witnesses to testify in relation to any matter, which, by the laws of this state relating to insurance, is the subject of inquiry and investigation, and require the production of any book, paper or document pertaining to such matter. For such purpose they shall have the same power which is by law vested in justices of the peace to compel the attendance of witnesses and punish them for refusal to testify. Sheriffs and constables are required to serve and return any such process, and shall receive the same fees therefor as are allowed by law for like services. Witnesses shall receive the fees and mileage allowed in civil actions in courts of common pleas. All such fees, upon the presentation of proper vouchers approved by the superintendent of insurance, shall be paid out of the appropriation for the contingent fund of the insurance department. The fees and mileage of witnesses not summoned by the superintendent of insurance, deputy superintendent or warden shall not be paid by the state.

Section 623-1.

SECTION 2. The provisions of section 622 of the General Code, as amended by this act, relating to compensation, shall be deemed to supersede the provisions of any existing law fixing the salary or compensation of any such officer or employee.

Salary and compensation.

SECTION 3. Said original sections 621, 622 and 623 of the General Code are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after the earliest period provided by law.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
234 G.

[House Bill No. 621.]

AN ACT

To amend sections 4877-4946 of the General Code, relative to compensation of deputy clerks and assistants of the board of deputy supervisors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4877 and 4946 of the General Code be amended to read as follows:

Deputy clerk and assistants.

Sec. 4877. When necessary, the board may employ a deputy clerk and one or more clerks as temporary assistants of the clerk at a salary of not to exceed the rate of one

hundred dollars per month each and prescribe their duties. The period for which they are so employed must always be fixed in the order authorizing their employment, but they may be discharged sooner at the pleasure of the board. Such deputy clerk and assistants shall take the same oath for the faithful performance of their duties as required of the clerk of the board. The compensation of the deputy clerk and the assistant clerks shall be equally divided between the city and county.

Sec. 4946. The additional compensation of members of the board of deputy state supervisors and of its clerk in such city hereinbefore specified, the lawful compensation of all registrars of electors in such city, the necessary cost of the registers, books, blanks, forms, stationery and supplies provided by the board for the purposes herein authorized, including poll books for special elections, and the cost of the rent, furnishing and supplies for rooms hired by the board for its offices and as places for registration of electors and the holding of elections in such city shall be paid by such city from its general fund. Such expense shall be paid by the treasurer of such city upon vouchers of the board, certified by its chief deputy and clerk and the warrant of the city auditor. Each such voucher shall specify the actual services rendered, the items of supplies furnished and the price or rates charged in detail.

Registration expenses; how paid.

SECTION 2. That original sections 4877 and 4946 of the General Code be and the same are hereby repealed.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
235 G.

[House Bill No. 660.]

AN ACT

To amend sections 4681 and 4682 of the General Code and to supplement section 4682 of the General Code by enacting section 4682-1 of the General Code, relating to the organization and dissolution of village school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4681 and 4682 of the General Code be amended, and that section 4682 of the General Code be supplemented by the enactment of section 4682-1, to read as follows:

Village school district.

Sec. 4681. Each village, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, and having in the district thus formed a total tax valuation of not less than five hundred thousand dollars, shall constitute a village school district.

Village with less than five hundred thousand valuation not a village district.

Sec. 4682. A village, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, with a tax valuation of less than five hundred thousand dollars, shall not constitute a village school district, but the proposition to organize the territory thus formed into a village school district may be submitted by the board of education, and shall be submitted by the board of education upon the presentation to it of a written petition for such purpose signed by 25 per cent. of the electors of the territory thus formed, to a vote of the electors of the territory thus formed at any general or a special election called for that purpose, and be so determined by a majority vote of such electors.

Vote to organize village school district.

Sec. 4682-1. A village school district organized as a village school district at the time of the passage of this act, or that may be hereafter organized, which has a total tax valuation of less than five hundred thousand dollars, shall continue as a village school district, but the proposition to dissolve such village school district may be submitted by the board of education, and shall be submitted by the board of education upon the presentation to it of a written petition for such purpose signed by 25 per cent. of the electors of such village school district, to a vote of the electors of such village school district at any general or a special election called for that purpose, and be so determined by a majority vote of such electors.

Proposition to dissolve village school district.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original sections 4681 and 4682 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
236 G.

[House Bill No. 87.]

AN ACT

To amend section 1425 of the General Code, relating to fishing districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1425 of the General Code be amended to read as follows:

Sec. 1425. The waters of Lake Erie, the waters of Sandusky Bay as far up as one-half mile east of the east end of Eagle Island, and the waters of the Maumee Bay up to a point opposite Presque Isle shall be known as the Lake Erie fishing district of this state. All other waters over which the state of Ohio has jurisdiction, whether lakes, rivers, creeks or reservoirs, and whether natural or artificial, including East Harbor, West Harbor and Middle Harbor in Ottawa county, the waters of Ten Mile creek lying within this state, shall be known as the inland fishing district of the state.

Fishing districts.

SECTION 2. That said original section 1425 of the General Code be and the same is hereby repealed.

The sectional number herein is in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
237 G.

[Senate Bill No. 277.]

AN ACT

To provide a method for the improvement of certain unimproved portions of improved roads by the county commissioners and to supplement section 6956 of the General Code by a section to be known as section 6956-b.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6956 of the General Code be supplemented by the addition of a section to be known as section 6956-b, to read as follows:

Sec. 6956-b. Whenever there is a gap of unimproved road of less than a mile in length between two improved state roads or paved street of a municipal corporation where one of the roads leads into the other, the county commissioners by unanimous action, are empowered to improve such gap of unimproved road, using such material as in

Improvement of unimproved portion of improved roads.

their judgment is best suited for the work, the cost of which is to be paid out of the road fund of the county treasury; the plans, estimates, profiles and specifications of such improvements shall be prepared by the county surveyor upon the order of the board of county commissioners and the work shall be publicly let by the county commissioners, after four weeks' advertisement of the same in a newspaper of general circulation in the county, to the lowest responsible bidder who shall give bond with sufficient sureties in such amount as the county commissioners approve and determine, for the faithful performance of the work.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
238 G.

[House Bill No. 533.]

AN ACT

To amend section 5353 of the General Code relating to lands, houses and other buildings belonging to counties, townships and cities used for the accommodation and support of the poor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5353 of the General Code be amended to read as follows:

Lands, etc., for support of poor exempt.

Sec. 5353. Lands, houses and other buildings belonging to a county, township, city or village, used exclusively for the accommodation or support of the poor, or leased to the state or any political subdivision thereof for public purposes, and property belonging to institutions of public charity only, shall be exempt from taxation.

SECTION 2. That said original section 5353 of the General Code be, and the same is hereby repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
239 G.

[House Bill No. 493.]

AN ACT

To amend section 7148 of the General Code, relative to the cutting of weeds along public roads and to supplement it by the enactment of supplemental sections 7148-1 and 7148-2.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7148 of the General Code be amended and supplemented by the enactment of supplemental sections 7148-1 and 7148-2 to read as follows:

Sec. 7148. The superintendent of such road shall allow a land owner or tenant to destroy such brush, briars, burrs, vines, thistles or other noxious weeds, growing or being on such roads along the lands abutting thereon, owned or occupied by such land owner or tenant. Such land owner or tenant shall do the work or cause it to be done before the first day of the month in which it is required to be done as specified in section 7146. In case such owner or tenant fails to comply with section 7146 and the foregoing provisions of this section, the superintendent of roads or turnpikes shall do the work or cause it to be done.

Land owner or tenant may perform such labor.

Sec. 7148-1. When such work is done by the superintendent the township trustees shall certify to the auditor of the county the amount of the cost of the work with the expense thereto attached, and a correct description of the land upon which the work was performed, and the auditor shall place the amount upon the tax duplicate to be collected as other taxes. The county treasurer shall pay the amount when collected to the township treasurer as other funds.

Certificate to county auditor when done by superintendent.

Sec. 7148-2. The township trustees may anticipate the collection and refund of the cost of such work to the township treasurer, and pay the amount out of any funds that may be available.

Payment of cost before collection.

The sectional numbers herein are in conformity to the General Code.

TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 7148 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.

240 G.

[House Bill No. 117.]

AN ACT

To amend section 3678 of the General Code, relative to the appropriation of real estate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3678 of the General Code be amended to read as follows:

Sec. 3678. In the appropriation of property for any of the purposes named in the preceding section, the corporation may, when reasonably necessary, acquire property outside the limits of the corporation. No land shall be purchased for public cemeteries within two hundred yards of a dwelling house without the consent, in writing, of the owner of the tract of land on which such dwelling house is situated. But any municipal corporation shall have the right to appropriate land, for the establishment of a cemetery or for the enlargement of any existing cemetery, within two hundred yards of any dwelling house, when such consent in writing cannot be obtained, by making the owner of such dwelling house a party to all proceedings and actions for such appropriation; such appropriation shall be made in all respects according to the provisions of this chapter, and the amount of damages to which such owner will be entitled by reason of locating said cemetery within two hundred yards of such dwelling, shall be determined by such appropriation proceedings. In such appropriation proceedings the damage to the remainder of the land of such owner shall be determined and included in the amount of damages, provided, however, that for the purpose of making a necessary enlargement of an existing cemetery, any municipal corporation which shall own, or shall acquire by purchase, any lands suitable for such enlargement, may devote and use the same for cemetery purposes as such enlargement of such existing cemetery, if the said land shall be distant from any dwelling house not less than one hundred feet or the width of an existing street or alley intervening. The addition of any land across a street or public road, as now located or which shall be hereafter established, shall not be considered an enlargement of an existing cemetery under the provisions of this section.

Appropriation of real estate.

Cemeteries.

Damages.

SECTION 2. That said original section 3678 of the General Code be, and the same is hereby, repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
241 G.

[House Bill No. 612.]

AN ACT

To amend section 1866 of the General Code so as to provide for the application of earnings of prisoners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1866 of the General Code be amended to read as follows:

Sec. 1866. For the purchase of material and machinery used in manufacturing industries, and for providing a fund out of which prisoners confined in penal institutions may be paid a portion of their earnings in the manner hereinafter provided, a special appropriation shall be made to be known as the manufacturing fund. Receipts from the sales of manufactured articles shall not be turned into the state treasury, but shall be credited to said fund, to be used for the purchase of further materials, machinery and supplies for such industries, and for payments to convicts or their families as hereinafter provided, and the board of administration shall make a full monthly report of the products, sales, receipts, disbursements and payments to and from said fund to the state auditor.

Manufacturing fund and for what purposes used.

The board of administration may place to the credit of each prisoner such amount of his earnings as it deems equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he was imprisoned and his general deportment. Such credit shall not exceed the difference between the cost of maintaining such prisoner and the amount his labor, in the opinion of the board of administration, is reasonably worth. The earnings so credited to such prisoner shall be paid to him or his family out of said manufacturing fund at such time, in such manner and in such amounts as the board of administration directs. The board of administration may cancel all or any portion of the earnings credited to a prisoner, for violation of rules, want of propriety or any other reason which in its judgment justifies such action.

Equitable portion of earnings credited to prisoners.

SECTION 2. That said original section 1866 be and the same is hereby repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.

242 G.

[House Bill No. 500.]

AN ACT

To amend sections 5649-2 and 5649-3b and repeal section 5649-3 of the General Code, relative to the limitation of the tax rate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5649-3 be repealed and sections 5649-2 and 5649-3b of the General Code be amended to read as follows:

Tax levy limitation.

Sec. 5649-2. Except as otherwise provided in section 5649-4 and section 5649-5 of the General Code, the aggregate amount of taxes that may be levied on the taxable property in any county, township, city, village, school district or other taxing district, shall not in any one year exceed ten mills on each dollar of the tax valuation of the taxable property of such county, township, city, village, school district or other taxing district for that year, and such levies in addition thereto for sinking fund and interest purposes as may be necessary to provide for any indebtedness heretofore incurred or any indebtedness that may hereafter be incurred by a vote of the people.

Budget commission.

Sec. 5649-3b. The budget commission of each county shall consist of three members; the county auditor, the mayor of the largest municipality of the county as shown by the last federal census. In counties in which the amount of taxable property in the cities and villages thereof exceeds the amount of taxable property of territory outside of the cities and villages, the third member of such commission shall be the city solicitor of the largest municipality in the county, as shown by the last federal census. In other counties the third member shall be president of the school board of the school district containing the largest municipality of the county as shown by the last federal census, if an elector; and if such president be not an elector; then a member of such board who is an elector to be designated by the board.

The amount of taxable property for purposes of this act shall be governed by the amount of tax duplicate of the preceding year. The budget commissioners shall meet

Time and place of meeting.

at the auditor's office in each county on the first Monday in June annually and shall complete their work on or before the first Monday in July following. Each member shall be sworn faithfully and impartially to perform the duties imposed upon him by this act. Two members shall constitute a quorum. The auditor shall be the secretary of the budget commissioners and shall keep a full and accurate

Record.

record of all proceedings. The commission shall appoint such messengers and clerks as it deems necessary, who shall receive not to exceed three dollars per day for their services for the time actually employed, which shall be paid out of the county treasury. The budget commissioners shall

be allowed their actual and necessary expenses. Such expenses to be itemized and sworn to by the person who incurred them and paid out of the county treasury when approved by the commissioners. Expenses.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 5649-2, 5649-3 and 5649-3b of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
243 G.

[House Bill No. 33.]

AN ACT

To amend section 12819 of the General Code, relative to carrying concealed weapons.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12819 of the General Code be amended to read as follows:

Sec. 12819. Whoever carries a pistol, bowie knife, dirk, or other dangerous weapon concealed on or about his person shall be fined not to exceed five hundred dollars, or imprisoned in the penitentiary not less than one year nor more than three years. Provided, however, that this act shall not affect the right of sheriffs, regularly appointed police officers of incorporated cities and villages, regularly elected constables, and special officers as provided by sections 2833, 4373, 10070, 10108 and 12857 of the General Code to go armed when on duty. Provided, further, that it shall be lawful for deputy sheriffs and specially appointed police officers, except as are appointed or called into service by virtue of the authority of said sections 2833, 4373, 10070, 10108 and 12857 of the General Code, to go armed if they first give bond to the state of Ohio, to be approved by the clerk of the court of common pleas, in the sum of one thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapons carried by them; and any person injured by such improper use may have recourse on said bond. Carrying concealed weapons. Exceptions.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said section 12819 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
244 G.

TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 384.]

AN ACT

To amend section 5019 of the General Code, relating to the form of ballot to be used at elections on constitutional amendments.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5019 of the General Code be amended to read as follows:

Sec. 5019. When an amendment to the constitution is to be submitted to the electors for their approval or rejection, such amendment shall be so submitted on a separate ballot at the top of which shall be printed the words "Proposed Amendment to the Constitution," or, if more than one such amendment is submitted at the same election, such heading shall be "Proposed Amendments to the Constitution." Each amendment shall be stated thereon in language sufficient to clearly designate it, which statement shall be printed in a space defined by ruled lines with two squares to the left thereof, the upper of which shall contain the word "Yes," and the lower the word "No." There shall be two similar blank squares, one on the left of that containing the word "Yes," and one to the left of that containing the word "No." Persons desiring to vote in favor of any such amendment shall do so by making a cross mark in the blank square to the left of the word "Yes," and those desiring to vote against the same shall do so by making a cross mark in the blank square to the left of the word "No." More than one such amendment may be submitted on the same ballot. The provisions of this title, so far as practicable, shall apply to the marking of ballots and the counting of votes upon any constitutional amendments so submitted. All such ballots shall be deposited in a separate ballot box.

How constitutional amendments shall be submitted.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 5019 of the General Code be, and the same is, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
245 G.

[House Bill No. 163.]

AN ACT

To amend section 1008 of the General Code, relative to the employment of females and regulating their hours of employment.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1008 of the General Code be amended to read as follows:

Sec. 1008. Every person, partnership or corporation employing females in any factory, workshop, business office, telephone or telegraph office, restaurant, bakery, millinery or dressmaking establishment, mercantile or other establishments shall provide a suitable seat for the use of each female so employed and shall permit the use of such seats when such female employes are not necessarily engaged in the active duties for which they are employed and when the use thereof will not actually and necessarily interfere with the proper discharge of the duties of such employes, such seat to be constructed, where practicable, with an automatic back support and so adjusted as to be a fixture but not obstruct employes in the performance of duty, and shall further provide a suitable lunch room, separate and apart from the work room, and in establishments where lunch rooms are provided, female employes shall be entitled to no less than thirty minutes for meal time; provided, that in any establishment aforesaid in which it is found impracticable to provide a suitable lunch room, as aforesaid, female employes shall be entitled to not less than one hour for meal time during which hour they shall be permitted to leave the establishment. Females over eighteen years of age shall not be employed or permitted or suffered to work in or in connection with any factory, workshop, telephone or telegraph office, millinery, or dressmaking establishment, restaurant or in the distributing or transmission of messages or in any mercantile establishment located

Providing seats for employed females; separate lunch room.

Work hours limited to 10 per day and 54 per week.

in any city, more than ten hours in any one day, or more than fifty-four hours in any one week, but meal time shall not be included as a part of the work hours of the week or day, provided, however, that no restriction as to the hours of labor shall apply to canneries or establishments engaged in preparing for use perishable goods.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 1008 of the General Code, be and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

TIMOTHY S. HOGAN, *Attorney General.*

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
246 G.

[House Bill No. 515.]

AN ACT

To further define the duties of drivers of vehicles upon public highways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6310 of the General Code be amended to read as follows:

Meeting vehicles on highway.

Sec. 6310. A person driving a carriage or vehicle on a public turnpike, road or highway, on meeting a carriage or vehicle, shall keep to the right so as to leave half of the road free for the coming vehicle.

A person riding on horseback or on a bicycle, tricycle, or tandem bicycle, or driving a locomobile, automobile, or any motor vehicle, or any vehicle operated by its own power, on meeting a carriage or vehicle drawn by horses or oxen, shall keep to the right so as to leave one-half of the road free for the use of the vehicle drawn by horses, mules or oxen.

A person driving a carriage, vehicle, automobile, or any kind of vehicle, who desires to pass a vehicle going in the same direction on any public road or highway shall give an alarm or demand to the person or persons driving the vehicle in front and going in the same direction, of such desire, and the person so driving the front vehicle shall immediately give the half of the road to the rear vehicle, by turning to the right, so that the rear vehicle can pass to the left of the front vehicle.

Definition.

The term vehicle herein shall apply to any vehicle propelled by its own power or drawn by horses or oxen. Any

person or persons driving any vehicle, horse-drawn or otherwise, on any public road, who shall fail, in meeting or passing, to give the required road as herein stated, shall be subject to a fine in a court having jurisdiction thereof, in any sum not less than one dollar, nor more than ten dollars, and costs of prosecution. Penalty.

The sectional number herein is in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 6310 be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 3d, 1913.

JAMES M. COX.
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
247 G.

[House Bill No. 272.]

AN ACT

To amend section 9007 of the General Code, relating to hours of service of certain railroad employees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9007 of the General Code be amended to read as follows:

Sec. 9007. A company operating a railroad over thirty miles in length, interurban or street railway, over four miles in length, shall not permit a conductor, engineer, fireman, brakeman, or trainman on a train, or a telegraph operator, a conductor, or motorman on a street railway, who has worked as such for fifteen consecutive hours, again to go on duty or perform work until he has had at least eight hours' rest, except in cases of detention of trains or cars caused by accident, unavoidable or otherwise. And such companies shall so regulate the hours of employment of their employees, that each employee shall have at least eight consecutive hours of rest in each period of twenty-four hours. Hours of service of certain railroad employes.

The sectional number herein is in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 9007 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
248 G.

[House Bill No. 614.]

AN ACT

To amend sections 9393, 9394 and 9395 of the General Code, relating to exemption of life insurance from claim of creditors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9393, 9394 and 9395 of the General Code, be amended to read as follows:

Who may be beneficiary.

Sec. 9393. Any person may affect an insurance on his life, for any definite period of time, or for the term of his natural life, to inure to the sole benefit of his wife and children, or of either or other relative or relatives dependent upon such person or any creditor or creditors as he may cause to be appointed and provided in the policy.

Exemption from claims of creditors.

Sec. 9394. All policies of life insurance upon the life of any person, which may hereafter mature, and which have been or shall be taken out for the benefit of, or bona fide assigned to the wife or children, or any relative dependent upon such person, or any creditor, shall be held subject to a change of beneficiary if desired, for the benefit of such wife or children, or other relative or creditor, free and clear from all claims of the creditors of such insured person; and the proceeds or avails of all such life insurance shall be exempt from all liabilities from any debt, or debts, of such insured person.

Premiums paid in fraud of creditor.

Sec. 9395. Subject to the statute of limitations, the amount of any premiums for insurance for the benefit of wife and children, or of either, or other relatives dependent upon such person or any creditor, paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That the original sections 9393, 9394 and 9395 of the General Code be, and the same are, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
249 G.

[House Bill No. 216.]

AN ACT

To amend section 6418 of the General Code, relative to weight of farm products and provide penalties for violation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6418 of the General Code be amended to read as follows:

Standard weight of bushel.

Sec. 6418. A bushel, in avoirdupois weight, of every article herein mentioned shall be, viz.: of wheat, sixty pounds; of Indian corn in the ear, sixty-eight pounds; of Indian corn shelled, fifty-six pounds; of corn meal, forty-eight pounds; of popcorn in the ear, forty-two pounds; of sweet corn shelled, forty-five pounds; of Kaffir corn, fifty-six pounds; of broom corn, forty-five pounds; of oats, thirty-two pounds; of rye, fifty-six pounds; of barley, forty-eight pounds; of buckwheat, fifty pounds; of Irish potatoes, sixty pounds; of sweet potatoes, fifty pounds; of beans, sixty pounds; of peas, sixty pounds; of onions, fifty-six pounds; of onion sets, twenty-eight pounds; of tomatoes, fifty-six pounds; of turnips, sixty pounds; of parsnips, fifty pounds; of beets, fifty-six pounds; of carrots, fifty pounds; of hominy, sixty pounds; of malt, thirty-four pounds; of apples, forty-eight pounds; of dried apples, twenty-four pounds; of peaches, forty-eight pounds; of dried peaches, thirty-three pounds; of grapes, forty-eight pounds; of plums, fifty pounds; of clover seed, sixty pounds; of timothy seed, forty-five pounds; of millet seed, fifty pounds; of Hungarian grass seed, fifty pounds; of flax seed, fifty-six pounds; of sorghum seed, fifty pounds; of hemp seed, forty-four pounds; of domestic walnuts, fifty pounds; of hickory nuts, fifty pounds; of lime, seventy pounds; of coke, forty pounds; of bituminous coal, eighty pounds; of cannel coal, seventy pounds. Unless otherwise agreed to, all of the above mentioned articles shall when dealt in by the bushel, be bought and sold upon such actual bulk weight, and no test for moisture shall be used to change the standards herein provided. The prosecuting attorney of each county shall enforce the provisions of this act. Any person, firm, company, corporation, agent or employe violating any of the provisions of this section shall be deemed guilty of misdemeanor, and upon conviction shall be fined not more than one hundred dollars, or imprisoned in the county jail (if a company or corporation its president) not more than six months, or both.

Penalty.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 6418 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed April 16th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
250 G.

[House Bill No. 559.]

AN ACT

To amend section 9908 of the General Code, relating to the real estate of agricultural societies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9908 of the General Code be amended to read as follows:

"Sec. 9908. When the commissioners of a county have paid, or pay, money out of the county treasury for the purchase of real estate as a site for an agricultural society whereon to hold its fairs, the society shall not encumber such real estate with any debt, by mortgage or otherwise, without the consent of the commissioners duly entered upon their journal.

When society may encumber grounds; limitation.

When such consent is obtained the society may encumber such real estate in order to pay the cost of necessary repairs and improvements to an amount not exceeding fifty per cent. of its value. In order to ascertain the value of such real estate the commissioners shall appoint three disinterested free-holder residents of the county to appraise such real estates. The appraisers so appointed shall, within ten days after their appointment, upon actual view of such premises, appraise such real estate and return such appraisement under oath to the board of county commissioners. And the appraisement so made shall be considered the value of such real estate for the purpose of mortgage or other encumbrance.

SECTION 2. That said original section 9908 of the General Code be and the same is hereby repealed.

SECTION 3. This act is hereby declared to be an emergency act within the meaning of the constitution, for the reason that public improvements affecting the public health and welfare are being held up, pending the enactment of the act, and the loss of ninety days' time would mean also great financial loss.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
251 G.

[House Bill No. 45.]

AN ACT

To amend section 4361 of the General Code, relating to the powers and duties of the board of trustees of public affairs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4361 of the General Code be amended to read as follows:

Sec. 4361. The board of trustees of public affairs shall manage, conduct and control the water works, electric light plants, artificial or natural gas plants, or other similar public utilities, furnish supplies of water, electricity or gas, collect all water, electrical and gas rents, and appoint necessary officers, employees and agents. The board of trustees of public affairs may make such by-laws and regulations as it may deem necessary for the safe, economical and efficient management and protection of such works, plants and public utilities. Such by-laws and regulations when not repugnant to the ordinances, to the constitution or to the laws of the state, shall have the same validity as ordinances. For the purpose of paying the expenses of conducting and managing such water works, plants and public utilities, of making necessary additions thereto and extensions thereof, and of making necessary repairs thereon, such trustees may assess a water, light, power, gas or utility rent, of sufficient amount, in such manner as they deem most equitable, upon all tenements and premises supplied with water, light, power, or gas, and, when such rents are not paid, such trustees may certify the same over to the auditor of the county in which such village is located to be placed on the duplicate and collect as other village taxes or may collect the same by actions at law in the name of the village. The board of trustees of public affairs shall have the same powers and perform the same duties as are possessed by, and are incumbent upon, the director of public service as provided in sections 3955, 3959, 3960, 3961, 3964, 3965, 3974, 3981, 4328, 4329, 4330, 4331, 4332, 4333 and 4334 of the General Code, and all powers and duties relating to water works in any of these sections shall extend to and include electric light, power and gas plants and such other similar public utilities, and such boards shall have such other duties as may be prescribed by law or ordinance not inconsistent herewith.

General powers and duties.

SECTION 2. That said original section 4361 of the General Code be, and the same is hereby, repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913. JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.

252 G.

[House Bill No. 245.]

AN ACT

To amend section 2736 of the General Code, relative to active depositaries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2736 of the General Code be amended to read as follows:

Written notice; duty of treasurer.

Sec. 2736. Upon the receipt by the county treasurer of a written notice from the commissioners that a depositary, or depositaries, have been selected in pursuance of law, and naming the bank or banks or trust companies so selected, such treasurer shall deposit in such bank or banks or trust companies as directed by the commissioners, and designated as inactive depositaries to the credit of the county all money in his possession, except such amount as is necessary to meet current demands, which shall be deposited by such treasurer in the active depositary or depositaries. Thereafter, before noon of each business day, he shall deposit therein the balance, if any, remaining in his hands after having paid out of the receipts of the preceding business day, in cash, warrants presented to him for payment during such day, except as herein before provided. Such money shall be payable only on the check of the treasurer.

SECTION 2. That said original section 2736 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 17th, 1913.
Approved May 6th, 1913.
Filed in the office of the Secretary of State May 9th, 1913.
JAMES M. COX,
Governor.
253 G.

[House Bill No. 123.]

AN ACT

To amend section 2591 of the General Code of Ohio, providing for remission of taxes because of injury to or destruction of buildings or structures during the current tax year.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2591 of the General Code be amended to read as follows:

Sec. 2591. When after the second Monday in April and before the first day of October in any year it is made to appear by the oath of the owner or one of the owners

of a building or structure and by the affidavit of two disinterested persons, resident of the city, village or township in which the building or structure is or was situated, that such building or structure has been injured or destroyed by fire, flood, tornado or otherwise, since the second Monday in April of the current year, the county auditor shall deduct from the tax list and duplicate the value of such building or structure or such part of the value thereof as shall correspond to the extent of the injury; and when it is made to appear in the manner herein provided that said building or structure has been so injured or destroyed since the first day of October of any year and prior to the first day of April of the succeeding year, the following deductions shall be made upon the taxes due in the following June, being the second one-half of the taxes for the current year, to-wit: when such injury or destruction occurs during the month of October of any year, the second one-half of the taxes on the amount deducted for such injury for the current tax year shall be entirely remitted; if in the month of November of any year, five-sixths of the second one-half of the taxes on the amount deducted for such injury for the current tax year shall be remitted; if in the month of December of any year, four-sixths of the second one-half of the taxes on the amount deducted for such injury for the current tax year shall be remitted; if in the month of January, three-sixths of the second one-half of the taxes for the current tax year shall be remitted; if in the month of February, two-sixths of the second one-half of the taxes on the amount deducted for such injury for the current tax year shall be remitted; if in the month of March, one-sixth of the second one-half of the taxes on the amount deducted for such injury for the current tax year shall be remitted.

Deductions from tax lists for injured or destroyed buildings.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 2591 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
254 G.

[House Bill No. 505.]

AN ACT

To provide for the deposit of donations and bequests to Miami University and to supplement section 7941 of the General Code of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7941 of the General Code of Ohio be supplemented to read as follows:

Sec. 7941-1. The treasurer of Miami university on or before the first day of January next after the receipt of any donations or bequests of money or other property to be converted into money must deposit it in the state treasury upon the certificate of the state auditor. The sum so deposited shall be added to the irreducible trust fund held by the state for educational purposes, and interest thereon be paid semi-annually to the treasurer of such university, upon the requisition of the state auditor; and the president and trustees of Miami university shall have power to receive and hold in trust, for the use and benefit of the university, any grant or devise of land, and any donation or bequest of money or personal property, to be applied to the general or special use of the university; all donations or bequests of money, together with other donations and bequests converted into money, shall be paid to the state treasurer, unless otherwise directed in the donation or bequest, and the sum so deposited shall be added to the irreducible trust funds held by the state for educational purposes, and interest thereon shall be paid semi-annually to the treasurer of said university upon the requisition of the state auditor.

Deposit of donations and bequests, when converted.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.

255 G.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 601.]

AN ACT

To amend section 1541 of the General Code, relating to appointment of court interpreters, criminal bailiffs, and their duties.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1541 of the General Code be amended to read as follows:

Sec. 1541. The judge of the court of common pleas of a county, or the judges of such court in a county in joint session, if they deem it advisable, may appoint either or all of the following: First. A court interpreter, who shall take an oath of office, hold his position at the will of such judge or judges, and under the direction of the court, or any judge thereof, shall interpret the testimony of witnesses, translate any writing necessary to be translated in court, or in a cause therein, and perform such other services as are required by the court or a judge thereof. The interpreter shall, without extra compensation, render such services in the court of appeals, superior court, probate court, and court of insolvency, as the judges of those courts may require. He shall receive for his services a compensation fixed by the judges appointing him, not to exceed twelve hundred dollars in any year, or such sum in each particular case as the court, requiring his services deems just. If a stipulated salary, such compensation shall be payable monthly from the county treasury, upon the warrant of the county auditor, in other cases, at the conclusion of his services, upon the certificate of the judge of the court in which they were rendered. Second. A criminal bailiff, who shall be a deputy sheriff and hold his position during the pleasure of the judge or judges of such court. He shall receive compensation to be fixed by such judge or judges at the time of his appointment, not to exceed the amount permitted by law to be allowed court constables in the same court, which shall be paid monthly from the county treasury upon the warrant of the county auditor. Third. Provided that, in counties where there are, or hereafter may be, four or more judges of the common pleas court, the judges of such court in joint session shall, instead of a criminal bailiff as hereinbefore provided, appoint a chief court constable, who shall, in connection with the court constables appointed by the several judges, have supervision over the jurors regularly drawn for service as jurors, so that there may be at all times sufficient jurors in attendance subject to the call of the several court constables when the said jurors are required to fill the panel in any case upon trial; said chief court constable, who shall be a deputy sheriff, shall perform all the duties and give a bond now by law required to be performed and given by a criminal bailiff, and perform such other duties as the judges of the court of common pleas shall direct. He shall receive such compensation as the judges of the court of common pleas in joint session shall fix, not to exceed the sum of fifteen hundred dollars per annum, which shall be paid monthly from the county treasury, upon the warrant of the county auditor. Said chief court constable shall hold his position during the pleasure of the judges of the common pleas court and shall be subject to and under the direction of the judges of the common pleas court.

Appointments by common pleas judge.

Court interpreter.

Criminal bailiff.

Chief court constable; duties.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That original section 1541 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
256 G.

[House Bill No. 388.]

AN ACT

To amend section 5978 of the General Code, relative to the Saturday half holiday.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5978 of the General Code be amended to read as follows:

Saturday afternoon one-half legal holiday.

Sec. 5978. Every Saturday afternoon of each year shall be a one-half legal holiday for all purposes, beginning at twelve o'clock noon and ending at twelve o'clock midnight. Nothing however, in this section or any other, or any decision of any court, shall in any manner affect the validity of or render void or voidable any check, bill of exchange, order, promissory note, due bill, mortgage or other writing obligatory made, signed, negotiated, transferred, assigned or paid by any person, persons, corporation or bank upon said half holiday, or any other transaction had thereon.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 5978 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
257 G.

[House Bill No. 368.]

AN ACT

To amend section 10271 of the General Code, relating to the liability of the defendant for costs in actions where personal earnings to the amount of ten per cent thereof are sought to be attached.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10271 of the General Code be amended to read as follows:

Personal earnings.

Sec. 10271. The personal earnings now exempted by law, in addition to the ten per cent. for necessaries, shall be further liable to the plaintiff for the actual costs of any proceeding brought to recover a judgment for such necessaries, in any sum not to exceed two dollars and the necessary garnishee fee. Such garnishee may pay to such debtor an amount equal to ninety per cent. of such personal earnings, less the sum of two dollars and the necessary garnishee of fee not to exceed fifty cents, if the same is demanded by the garnishee, for actual costs as herein provided, due at the time of the service of process or which may become due thereafter and before trial and be released from any further liability to such creditor, or to the court or any officers thereof, in such proceeding, or in any other proceeding, brought for the purpose of enforcing the payment of the balance of the costs due in said original action. Both the debtor and the creditor shall likewise be released from any further liability to the court or any officers thereof in such proceeding or in any other proceeding brought for the purpose of enforcing the payment of the balance of the costs due in said original action.

Release from further costs.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 10271 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
258 G.

[House Bill No. 567.]

AN ACT

To supplement section 4828 of the General Code by the enactment of an additional section to be known as section 4828-1 providing for the apportionment of congressional districts for Ohio under the thirteenth census of the United States.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4828 of the General Code be supplemented by an additional section to be known as section 4828-1, providing for the apportionment of the congressional districts in Ohio, to read as follows:

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Sec. 4828-1. That under the thirteenth census of the United States, the state of Ohio shall be divided into twenty-two districts for the election of representatives to congress, and each district shall choose one representative in the manner following, to-wit:

First district—That so much of the county of Hamilton as is now contained within the limits of wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 18, 25; all of the tenth excepting precincts L, M and R; precincts A and V of the twelfth ward; precincts G. H and I of the twenty-sixth ward; townships of Anderson, Columbia and Symmes; and all of Millcreek township excepting the precincts within the city of St. Bernard, shall compose the first district.

Second district—The remaining portion of the county of Hamilton now contained within the limits of wards 11, 14, 15, 16, 17, 19, 20, 21, 22, 23 and 24; precincts L, M and R of the tenth ward; all of the twelfth ward except precincts A and V; all of the twenty-sixth ward except precincts G, H and I; townships of Colerain, Crosby, Delhi, Greene, Harrison, Miami, Springfield, Sycamore and Whitewater; and the precincts of the city of St. Bernard in Millcreek township, shall compose the second district.

Third district—The counties of Butler, Preble and Montgomery shall compose the third district.

Fourth district—The counties of Allen, Darke, Miami, Shelby, Auglaize and Mercer shall compose the fourth district.

Fifth district—The counties of Van Wert, Putnam, Paulding, Williams, Defiance, Fulton and Henry shall compose the fifth district.

Sixth district—The counties of Adams, Highland, Brown, Clermont, Scioto, and Pike shall compose the sixth district.

Seventh district—The counties of Fayette, Madison, Clark, Champaign, Logan, Union, Warren, Clinton and Greene shall compose the seventh district.

Eighth district—The counties of Marion, Hardin, Crawford, Wyandot, Hancock and Morrow shall compose the eighth district.

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Ninth district—The counties of Lucas and Ottawa shall compose the ninth district.

Tenth district—The counties of Vinton, Lawrence, Gallia, Jackson, Meigs and Athens shall compose the tenth district.

Eleventh district—The counties of Ross, Pickaway, Fairfield, Perry and Hocking shall compose the eleventh district.

Twelfth district—The county of Franklin shall compose the twelfth district.

Thirteenth district—The counties of Wood, Seneca, Huron, Erie and Sandusky shall compose the thirteenth district.

Seventeenth district—The counties of Delaware, Licking, Coshocton, Knox, Ashland and Richland shall compose the seventeenth district.

Fifteenth district—The counties of Washington, Morgan, Noble, Monroe, Guernsey and Muskingum shall compose the fifteenth district.

Eighteenth district—The counties of Belmont, Harrison, Jefferson, Carroll and Columbiana shall compose the eighteenth district.

Sixteenth district — The counties of Tuscarawas, Holmes, Wayne and Stark shall compose the sixteenth district.

Fourteenth district—The counties of Lorain, Medina, Summit and Portage shall compose the fourteenth district.

Nineteenth district—The counties of Mahoning, Trumbull and Ashtabula shall compose the nineteenth district.

Twentieth district—Shall consist of all that part of the city of Cleveland contained in wards 1, 2, 3, 4, 7, 8, 9, 10, 21, 23, 24 and 25 bounded as follows: Beginning at Lake Erie at the westerly city limits line which is the center line of West 117th St.; thence following the city limits line in its various directions to a point in said city limits line established by its intersection with the boundary line of ward 6; thence along this ward line which is the easterly line of original lot No. 45 to the intersection of the center line of Fulton Road S. W. produced; thence northwesterly along this line and the center line of Fulton Road S. W. to the center line of Marvin Ave. S. W.; thence westerly along the center line of Marvin Ave. S. W. to the center line of W. 44th St.; thence southerly along the center line of W. 44th St. to the center of Bush Ave. S. W.; thence westerly along the center line of Bush Ave. S. W. to the center line of W. 46th St.; thence northerly along the center line of W. 46th St. to the center line of Hyde Ave. S. W.; thence easterly along the center line of Hyde Ave. S. W. to the center line of W. 44th St.; thence northerly along the center line of W. 44th St. to the center line of Clark Ave. S. W.; thence westerly along the center line of Clark Ave. S. W. to the center line of W. 46th St.; thence northerly along the center line of W. 46th St. to the center line of Train Ave. S. W.; thence easterly along the center line of Train

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Ave. S. W. to the center line of W. 41st St.; thence northerly along the center line of W. 41st St. to the center line of Wade Ave. S. W.; thence easterly along the center line of Wade Ave. S. W. to where it intersects the center line of Walworth Ave. S. W.; thence northerly along the center line of Walworth Ave. S. W. to the center line of W. 25th St.; thence southerly along the center line of W. 25th St. to the center line of Meyer Ave. S. W.; thence easterly along the center line of Meyer Ave. S. W. to the center line of Scranton Road, S. W.; thence southerly along the center line of Scranton Road, S. W. to the center line of Corning Ave. S. W.; thence easterly along the center line of Corning Ave. S. W. to the intersection of a line produced which is the east line of sublots No. 1, 2, 3, 4, 5 and 6 in the Brainard and Curtiss subdivision, volume 12, page 43, Cuyahoga county records of maps; thence northerly along the line produced and the easterly line of sublots No. 6, 5, 4 and a part of No. 3 in the Brainard and Curtiss subdivision to the center line of the first unnamed alley north of Corning Ave. S. W.; thence easterly along the above described alley to the center line of Jennings Road, S. W.; thence in a southeasterly direction which is a continuation of the above described alley, to the center line of the Cuyahoga river; thence northerly down the crooks and bends of the Cuyahoga river to where the Wheeling and Lake Erie railroad right of way crosses the Cuyahoga river; thence northerly along the Wheeling and Lake Erie railroad right of way to the center line of E. 9th St.; thence northeasterly along the center line of E. 9th St. to the center line of Central Ave. S. E.; thence northeasterly along the center line of Central Ave. S. E. to the center line of E. 14th St.; thence northwesterly along the center line of E. 14th St. to center line of Caton Court S. E.; thence easterly along the center line of Caton Court S. E. to the center line of E. 18th St.; thence northerly along the center line of E. 18th St. to the center line of Prospect Ave. S. E.; thence easterly along the center line of Prospect Ave. S. E. to the center line of E. 22nd St.; thence northerly along the center line of E. 22nd St. to the center line of Euclid Ave.; thence easterly along the center line of Euclid Ave. to the center line of E. 55th St.; thence northerly along the center line of E. 55th St. to the center line of White Ave. N. E.; thence easterly along the center line of White Ave. N. E. to the center line of E. 65th St.; thence northerly along the center line of E. 65th St. to Superior Ave. N. E.; thence easterly along the center line of Superior Ave. N. E. to the center line of Giddings Road N. E.; thence southeasterly along the center line of Giddings Road N. E. to the center line of Wade Park Ave. N. E.; thence easterly along the center line of Wade Park Ave. N. E. to the center line of Lakeview Road N. E.; thence southerly along the center line of Lakeview Road N. E. to the easterly city limits line; thence northerly along this line to the center line of Superior Ave. N. E.; thence westerly along the

center line of Superior Ave. N. E. to the center line of Dugway Brook; thence northerly along the center line of Dugway Brook to the center line of E. 114th St.; thence northerly along the center line of E. 114th St. to the center line of Lakeview Road N. E.; thence northerly along the center line of Lakeview Road N. E. to the city limits line; thence following this city limits line westerly around Bratenahl village to the shore of Lake Erie; thence westerly along the shore of Lake Erie to the point of beginning, shall compose the twentieth district.

Twenty-first district—Shall consist of all that part of the city of Cleveland contained in wards 5, 6, precincts A, B, F, G, K, L and Q of 11th, 12, 13, 14, 15, 16 and 17 and precincts D and O of ward 18 bounded as follows: Beginning at the point established by the intersection of the city limits line and boundary line of ward 6; thence along this ward line which is the easterly line of original lot line No. 45 to the intersection of the center line of Fulton Road, S. W. produced; thence northwesterly along this line and the center line of Fulton Road, S. W. to the center line of Marvin Ave. S. W.; thence westerly along the center line of Marvin Ave. S. W. to the center line of W. 44th St.; thence southerly along the center line of W. 44th St. to the center line of Bush Ave. S. W.; thence westerly along the center line of Bush Ave. S. W. to the center line of West 46th St.; thence northerly along the center line of W. 46th St. to the center line of Hyde Ave. S. W.; thence easterly along the center line of Hyde Ave. S. W. to the center line of W. 44th St.; thence northerly along the center line of W. 44th St. to the center line of Clark Ave. S. W.; thence westerly along the center line of Clark Ave. S. W. to the center line of W. 46th St.; thence northerly along the center line of W. 46th St. to the center line of Train Ave. S. W.; thence easterly along the center line of Train Ave. S. W. to the center line of W. 41st St.; thence northerly along the center line of W. 41st St. to the center line of Wade Ave. S. W.; thence easterly along the center line of Wade Ave. S. W. to where it intersects the center line of Walworth Ave. S. W. thence northerly along the center line of Walworth Ave. S. W. to the center line of W. 25th St.; thence southerly along the center line of W. 25th St. to the center line of Meyer Ave. S. W.; thence easterly along the center line of Meyer Ave. S. W. to the center line of Scranton Road S. W.; thence southerly along the center line of Scranton Road S. W. to the center line of Corning Ave. S. W.; thence easterly along the center line of Corning Ave. S. W. to the intersection of a line produced which is the east line of sublots No. 1, 2, 3, 4, 5 and 6 in the Brainard and Curtiss subdivision volume 12, page 43 Cuyahoga county records of maps; thence northerly along the line produced and the easterly line of sublots No. 6, 5, 4 and a part of No. 3 in the Brainard and Curtiss subdivision to the center line of the first unnamed alley north of Corning Ave. S. W.; thence easterly

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along the above described alley to the center line of Jennings Road S. W.; thence in a southeasterly direction which is a continuation of the above described alley to the center line of the Cuyahoga river; thence northerly down the crooks and bends of the Cuyahoga river to where the Wheeling and Lake Erie railroad right of way crosses the Cuyahoga river; thence northwesterly along the Wheeling and Lake Erie right of way to the center line of E. 9th St.; thence northeasterly along the center line of East 9th St. to the center line of Central Ave. S. E.; thence northeasterly along the center line of Central Ave. S. E. to the center line of E. 14th St.; thence northwesterly along the center line of E. 14th St. to the center line of Caton Court, S. E.; thence easterly along the center line of Caton Court S. E. to the center line of E. 18th St.; thence northerly along the center line of E. 18th St. to the center line of Prospect Ave. S. E.; thence easterly along the center line of Prospect Ave. S. E. to the center line of E. 22nd St.; thence northerly along the center line of E. 22nd St. to the center line of Euclid Ave.; thence easterly along the center line of Euclid Ave. to the center line of E. 30th St.; thence southerly along the center line of E. 30th St. to the center line of Cedar Ave. easterly along the center line of Cedar Ave. to the center line of E. 31st St.; thence southerly along the center line of E. 31st St. to the center line of Scovill Ave.; thence easterly along the center line of Scovill Ave. to the center line of E. 55th St.; thence northerly along the center line of E. 55th St. to the center line of Central Ave.; thence easterly along the center line of Central Ave. to the center line of E. 67th St.; thence southerly along the center line of E. 67th St. to center line of Quincy Ave. S. E.; thence easterly on Quincy Ave. to E. 87th St.; north on E. 87th St. to Shelbourne Court; east on Shelbourne Court to E. 87th St.; north on E. 87th St. to Cedar Ave.; west on Cedar Ave. to E. 83rd St.; north on E. 83rd St. to Euclid Ave.; east on Euclid Ave. to E. 89th St.; south on E. 89th St. to Quincy Ave.; thence easterly along the center line of Quincy Ave. S. E. and the center line of Quincy Ave. S. E. produced to a point one hundred feet easterly and at right angles from the easterly line of Baldwin Road S. E.; thence southwesterly along a line parallel to and one hundred feet easterly at right angles from the easterly line of Baldwin Road S. E. to the center line of Ingersoll Road, S. E.; thence southeasterly along the center line of Ingersoll Road, S. E.; and Woodland Ave. S. E. to the city limits line (formerly the eastern limits line of Newburg city); thence along the city limits line in its various directions, including the limits line and following the center of the Cuyahoga river to the point of beginning, shall compose the twenty-first district.

Twenty-second district—Shall consist of all that part of the city of Cleveland contained in precincts C, D, E, H, I, J, M, N, O and P of ward 11 and wards 18, except precincts D and O, 19, 20, 22, 26 and all that part of Cuyahoga

county outside of the city of Cleveland consisting of the following townships: Beginning at Lake Erie and the easterly limits line formerly the boundary line between Nottingham and Euclid villages, follow this city limits line in its various directions to its intersection with the center line of Woodland Ave. S. E.; thence westerly along the center line of Woodland Ave. S. E. and the center line of Ingersoll Road S. E. to a point one hundred feet east of and at right angles to the easterly line of Baldwin Road, S. E.; thence northeasterly along a line drawn parallel to and one hundred feet easterly at right angles from the easterly line of Baldwin Road to a point established by the extension of the center line of Quincy Ave. one hundred feet easterly and at right angles to the easterly line of Baldwin Road; thence westerly along this line produced and the center line of Quincy Ave. S. E. to the center line of E. 89th St.; thence northerly on E. 89th St. to Euclid Ave.; thence westerly on Euclid Ave. to E. 83rd St.; thence southerly on E. 83rd St. to Cedar Ave.; thence easterly on Cedar Ave. to E. 87th St.; thence southerly on E. 87th St. to Shelbourne Court; thence westerly on Shelbourne Court to E. 87th St.; thence southerly on E. 87th St. to Quincy Ave.; thence westerly on Quincy Ave. to the center line of E. 67th St.; thence northerly along the center line of E. 67th St. to the center line of Central Ave. S. E.; thence westerly along the center line of Central Ave. S. E. to the center line of E. 55th St.; thence southerly along the center line of E. 55th St. to the center line of Scoville Ave. S. E.; thence westerly along the center line of Scovill Ave. S. E. to the center line of E. 31st St.; thence northerly along the center line of E. 31st St. to the center line of Cedar Ave. S. E.; thence westerly along the center line of Cedar Ave. S. E. to the center line of E. 30th St.; thence northerly along the center line of E. 30th St. to the center line of Euclid Ave.; thence easterly along the center line of Euclid Ave. to the center line of E. 55th St.; thence northerly along the center line of E. 55th St. to the center line of White Ave. N. E.; thence easterly along the center line of White Ave. N. E. to the center line of E. 65th St.; thence northerly along the center line of E. 65th St. to Superior Ave. N. E.; thence easterly along the center line of Superior Ave. N. E. to the center line of Giddings Road N. E.; thence southeasterly along the center line of Giddings Road N. E. to the center line of Wade Park Ave. N. E.; thence easterly along the center line of Wade Park Ave. N. E. to the center line of Lakeview Road N. E.; thence southerly along the center line of Lakeview Road N. E. to the easterly city limits line; thence northerly along this line to the center line of Superior Ave. N. E.; thence westerly along the center line of Superior Ave. N. E. to the center line of Dugway Brook; thence northerly along the center line of Dugway Brook to the center line of E. 114th St.; thence northerly along the center line of E. 114th St. to the center line of Lakeview Road N. E.; thence northerly

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along the center line of Lakeview Road to the city limits line; thence along the city limits line easterly and northerly to Lake Erie; thence easterly along the shore of Lake Erie to the point of beginning. Also the following townships of Cuyahoga county: Bay, Bedford, Bratenahl, Brecksville, Brooklyn, Brooklyn Heights, Chagrin Falls, Cleveland Heights, Dover, East Cleveland, Euclid, Goldwood, Independence, Mayfield, Middleburg, Newburg, Newburg Heights, North Olmstead, Olmstead, Orange, Parma, Rockport, Rocky River, Royalton, Solon, South Newburg, Strongsville, Warrensville, West Park, Shaker, Idlewood and Parma Heights and the counties of Lake and Geauga, shall compose the twenty-second district.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
259 G.

[House Bill No. 636.]

AN ACT

To amend sections 6956-12 and 6956-15 of the General Code of Ohio, relating to the laying out, construction, repairs or improvement of public roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6956-12 and 6956-15 of the General Code be amended to read as follows:

Publication of notice of assessment.

Sec. 6956-12. When the improvement lies wholly within one county, and as soon as the said improvement shall be completed the engineer shall make and report to the commissioners an assessment of the proportionate cost and expense as aforesaid upon the real estate to be charged therewith in proportion as nearly as may be to the benefits which may result from such improvement to the real estate so assessed which assessment shall be filed with the county commissioners and kept in their office for public inspection. Before adopting the assessment so made and reported the commissioners shall publish once a week for two consecutive weeks in some newspaper printed and of general circulation in the county, notice that such assessment has been

made and that the same is on file in the office of the county commissioners for inspection. If no objections are filed thereto one week after the last date of publication of said notice, the commissioners shall confirm the same, and if the owner of any real estate assessed objects to the assessment so made, he shall file his objections in writing with said commissioners within one week after the date of the last publication of said notice; and thereupon the commissioners shall appoint three disinterested freeholders of the county to act as an equalizing board, who shall meet at the county auditor's office at a time to be fixed by the county commissioners, with power to adjourn from time to time and who shall hear and determine all objections to said assessment, equalize the same, or approve the assessment already made as they shall deem just. They shall report their action to the said commissioners who shall confirm the same and said assessment when so confirmed shall be final. The members of said equalizing board shall each receive for his services as a member of said board the sum of four dollars per day for each and every day so employed, to be paid out of the fund provided for said improvement and included as a part of the cost thereof. Such assessments shall thereupon be certified to the auditor and be placed upon the tax duplicate and shall be collected the same as other taxes. Such assessment, with interest accrued thereon shall be lien from the time said improvement is commenced until fully paid and have precedence of all other liens except taxes. In the event that bonds are issued to pay the cost and expense of the said improvement as hereinafter provided, such assessment shall be payable in equal annual installments not to exceed ten to correspond with the maturity of the bonds issued and to bear interest at the same rate as the bonds.

Equalizing board; compensation.

Sec. 6956-15. The county commissioners, in anticipation of the collection of said taxes and assessments, and whenever, in their judgment, it is necessary or desirable, are hereby authorized to sell the bonds of any such county in which such improvement is to be or has been constructed to any amount not exceeding in the aggregate the amount necessary to pay the respective shares of the county, township or townships, and the land owners whose lands in such county are benefited by such improvement. Said bonds shall state for what purposes issued, and bear interest at a rate not in excess of five per cent. (5%) per annum, payable semi-annually; to mature in not more than ten years after they are issued, in such amounts and at such time as the commissioners shall determine. Said bonds shall be sold according to law and for not less than par and accrued interest. The proceeds of such bonds shall be used exclusively for the payment of the cost and expense of the improvement. Highways improved or constructed under the provisions of this act shall be kept in repair and maintained perpetually by the county commissioners of the respective counties wherein such improvement is made.

Sale of bonds.

SECTION 2. That said original sections 6956-12 and 6956-15 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
260 G.

[House Bill No. 531.]

AN ACT

To amend sections 6094 and 6094-1 of the General Code of the state of Ohio relating to the distribution of revenues and fines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6094 and 6094-1 of the General Code be amended to read as follows:

Poor fund.

Sec. 6094. The remaining two-tenths of such revenue and fines shall be passed to the credit of the poor fund of such county. In counties in which there is no county infirmary, or in which the county commissioners have made no provision for the county poor by contract with a city within such county for the care and maintenance of the county's poor in such city's infirmary, such remaining two-tenths shall be passed to the credit of the infirmary fund or the poor fund of the township, village or city in which it was collected; and in such counties when the money is paid on account of a business carried on in a township outside of a municipal corporation, such five-tenths, also, shall be passed to the credit of the infirmary fund or the poor fund of such township.

Distribution of revenues from liquor traffic.

Sec. 6094-1. In any county having a city with a city infirmary and a county infirmary, or in which the county commissioners have made provision for the county poor by contract with a city within such county for the care and maintenance of the county poor in such city's infirmary, the county commissioners may divide the above two-tenths part of such revenues as follows: The city infirmary fund shall have passed to its credit two-tenths of all money so paid in such city; the county infirmary fund shall have passed to its credit two-tenths of all money so paid by any municipal corporation or township in such county outside of such city maintaining a city infirmary; and the above five-tenths part of all the money so paid in by any township outside of any municipal corporation shall be paid into the treasury of such township to be distributed by the order of the

trustees of such township to the general revenue fund and the poor relief fund in such proportions as the trustees thereof may deem proper.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original sections 6094 and 6094-1 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
261 G.

[House Bill No. 530.]

AN ACT

To supplement section 2419 of the General Code by an additional section authorizing county commissioners to contract with cities for the maintenance of the county poor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2419 of the General Code be supplemented by a section to be known as section 2419-1 as follows:

Commissioners may contract with cities for maintenance of county poor.

Sec. 2419-1. In any county containing a city which has an infirmary, it shall be competent for the commissioners of such county, (if they find it will be conducive to economy), to agree with the director of public safety or his successor, or the proper person, persons or board in charge or control of the same, of such city upon terms and conditions for the care and maintenance of the county's poor in such city's infirmary, and for such city to receive and care for such county poor in its infirmary in accordance with such agreement. The cost and expense of maintaining the county poor in the city infirmary shall be paid out of the county poor fund on the allowance of the county commissioners.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 9th, 1913.
262 G.

[House Bill No. 211.]

AN ACT

To amend sections 5175-1, 5175-2, 5175-5, 5175-6 5175-11, 5175-23, 5175-26, 5175-27, and 5175-29, and to further amend section 5175-29, by adding thereto two supplementary sections to be known as sections 5175-29a and 5175-29b relative to preventing corrupt practices at elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5175-1, 5175-2, 5175-5, 5175-6, 5175-11, 5175-23, 5175-26, 5175-27, and 5175-29 of the General Code be amended and that section 5175-29 be supplemented by the enactment of sections 5175-29a and 5175-29b, to read as follows:

"Committee" or "organization" defined.

Sec. 5175-1. The term "committee" or "organization" as hereinafter used, shall include every committee or combination of two or more persons co-operating to aid or promote the success or defeat of a political party or principle, or of any proposition submitted to vote at any election, or to aid or take part in the election or defeat of any candidate for public office; or to aid or take part in the election or defeat of any candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of any candidate for any office, whether public or not, to be voted for at a primary election; under the primary election law; or any other organization or society soliciting or receiving money, assessments or other things of value, or in any way advocating or promoting the success or defeat of any candidate for office, or of any principal measure or proposition to be voted for at any election held in this state; but nothing herein contained shall apply to or in respect of any committee or organization for the discussion or advancement of political or economic questions.

Statement of expenditures.

Sec. 5175-2. Every candidate who is voted for at any election or primary election held within this state, and every person, committee or association or persons incorporated or unincorporated, who may have contributed, promised, received or expended directly or indirectly, any money or thing of value in connection with any election held in this state, shall within ten days after such election file, as hereinafter provided, an itemized statement showing in detail all the moneys or things of value, so contributed, promised, received or expended, and all liabilities directly or indirectly incurred in connection with such elections; but individuals other than candidates making only contributions, the receipt of which must be accounted for by others, need not file such statement under this section.

Statements and accounts signed and verified.

Sec. 5175-5. All statements and accounts of expenditures shall be signed and verified by the candidate, president or the duly appointed treasurer of the committee or the association filing the same. The verification must show every such statement or account to be, to the affiant's own

knowledge, a full and true statement or account of all contributions made or received by him, or by the committee or association of which he is a member, and of the disposition thereof made and all liabilities incurred by him or such committee or association.

Sec. 5175-6. Statements required to be filed by this section if they relate to the election of candidates for offices to be filled by, or propositions submitted to, the electors of the entire state, or any division or district thereof greater than a county, shall be filed in the office of the secretary of state; in all other elections such statements shall be filed in the office of the board of deputy state supervisors of elections for the county in which such election is held. All such statements shall be open to public inspection and shall be retained in such office for a period of not less than four years and no fee shall be charged for filing the same. Copies of such statements, certified by the secretary of state or the clerk of the board of deputy state supervisors of elections with whom the same are filed, under seal (if any) of his office, shall be admitted as evidence in all courts with like force and effect as the original would have if produced. And said boards of deputy state supervisors of elections when such statements are herein required to be filed with them and the secretary of state when said statements are herein required to be filed with him shall file in the office of the attorney general not less than twenty days nor more than twenty-five days after any such election a report showing in detail the names of all candidates voted for at any such election or other persons required by law to file statements, who have filed their statements as herein provided, and the names of all candidates voted for at any such election or any other persons who are in default thereof. And the attorney general shall forthwith certify to the prosecuting attorney in the county where such persons are in default for statements the names of all candidates or other persons who are so in default with instructions to proceed against the delinquents.

Where statements filed.

Copies as evidence.

Report to attorney general of candidates required to file statements.

Sec. 5175-11. Every payment required to be accounted for shall, unless the total expense payable to any one person be not in excess of ten dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or account hereby required shall be filed with such statement.

Receipted bill and vouchers.

Sec. 5175-23. The petition hereinbefore mentioned shall be filed within ninety days after such election.

Limitation.

Sec. 5176-26. Any person is guilty of a corrupt practice if he, directly or indirectly, by himself or through any other person, in connection with, or in respect of any election, pays, lends or contributes, or offers or promises to pay, lend or contribute any money or other valuable consideration, for any other purpose than the following matters and services, at their reasonable, bona fide and customary value:

Defining corrupt practices.

Rents of halls and compensation of speakers, music and fireworks for public meetings, and expenses of advertising

the same, together with the usual expense incident thereto;

The preparation, printing and publication of posters, lithographs, banners, notices and literary material, reading matter, cards and pamphlets, the compensation of agents to supervise and prepare articles and advertisements in the newspapers, to examine questions of public interest bearing on the election, and the report on the same; the pay of newspapers for advertisements, pictures, reading matter and additional circulation; the preparation and circulation of letters, pamphlets and literature bearing on election.

Rent of offices and club rooms, compensation of such clerks and agent as shall be required to manage the necessary and reasonable business of the election and of attorneys at law for actual legal services rendered in connection with the election; the preparation of lists of voters and payment of necessary personal expenses by a candidate; the reasonable traveling expenses of the committeemen, agents, clerks and speakers; postage, express, telegrams and telephones; the expenses of preparing, circulating and filing petitions for nomination. No party organization or candidate shall compensate or hire in any one election precinct more than one person to prepare lists of voters.

Any payment, contribution or expenditure or agreement or offer to pay, contribute or expend any money or thing of value for any purpose whatsoever except as herein provided is hereby declared to be corrupt practice and invalidates the election of any person guilty thereof.

Amount of expenditure allowed candidates.

Sec. 5175-29. The total amount expended by a candidate for a public office, voted for at an election, by the qualified electors of the state, or any political subdivision thereof, for any of the purposes specified in section 26 of this act, for contributions to political committees, as that term is defined in section 1 of this act, or for any purpose tending in any way, directly or indirectly, to promote or aid in securing his nomination and election, shall not exceed the amount specified herein; by a candidate for governor, the sum of five thousand dollars; by a candidate for other state elective office the sum of two thousand five hundred dollars; by a candidate for the office of representative in congress or presidential elector, judge of the court of appeals, the sum of two thousand dollars; by a candidate for the office of state senator, the sum of three hundred dollars in each county of his district; by a candidate for judge of common pleas, probate or insolvency court, the sum of five hundred dollars; by a candidate for the office of state representative the sum of three hundred and fifty dollars; by a candidate for any other public office to be voted for by the qualified electors of a county, city, town or village, or any part thereof, if the total number of votes cast therein for all candidates for the office of governor at the last preceding state election, shall be five thousand or less, the sum of three hundred dollars. If the total num-

ber of votes cast therein at such last preceding state election be in excess of five thousand, the sum of five dollars for each one hundred in excess of such number may be added to the amounts above specified. Any candidate for a public office who shall expend for the purpose above mentioned an amount in excess of the amounts herein specified shall be guilty of a corrupt practice.

Amount of expenditure or contribution by person other than a candidate.

Sec. 5175-29a. The total amount expended, contributed or paid, or offered or promised to be paid, contributed or expended by an individual other than a candidate for public office as defined in section 5175-29, for any of the purposes specified in section 5175-26, or contributions to political committees, or for any other purpose tending in any way, directly or indirectly, to promote or aid in securing, or to aid or take part in defeating, the nomination, the election, or the nomination and election of any candidate for public office voted for at any election in the state shall not exceed ten per cent. of the annual salary of such candidate so voted for as aforesaid and for whom, or against whom, such contribution, payment or expenditure is made, but nothing in this section contained shall apply to the treasurer of any political committee acting in his official capacity. Any person who shall expend for the purposes above mentioned an amount in excess of the amount herein specified shall be guilty of a corrupt practice.

Expenditure allowed upon submission of a proposition.

Sec. 5175-29b. The total amount paid, lent, contributed, or promised to be paid, lent, or contributed by any person, directly or indirectly, by himself or through any other person in connection with and in respect of any election at which a proposition is submitted to, and voted upon by the electors of the state or any political subdivision thereof, shall not exceed the sum of one hundred dollars, providing the total vote cast for governor at the last preceding election in the state, county, city, town or village, or part thereof, wherein said election is held shall be five thousand or less. If the total number of votes cast therein at such last preceding election be in excess of five thousand, the sum of one dollar for each one hundred votes in excess of five thousand may be added to said amount of one hundred dollars. Any person who shall expend for the purposes above mentioned an amount in excess of the amounts herein specified shall be guilty of a corrupt practice.

Repeals.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original sections 5175-1, 5175-2, 5175-5, 5175-6, 5175-11, 5175-23, 5175-26 and 5175-29 of the General Code be, and the same are hereby,repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 6th, 1913 JAMES M. COX,
Governor.
Filed in the office of the Secretary of State May 9th, 1913.
263 G.

[House Bill No. 673.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1913.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations to pay unauthorized deficiencies.

SECTION 1. That the following sums be, and the same are appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities as herein specified, existing prior to February 15, 1913, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

Expenses of inaugural ceremonies, parade and reception at the state house, January 13, 1913, no part of which was incurred in connection with the inaugural ball at Memorial hall, the press smoker, or dinner at the Ohio club, same being defrayed by local subscription	$4,913 32

ATTORNEY GENERAL.

Western Union Telegraph Company	$9 19
Central Union Telephone Company	26 05
United States Telephone Company	1 60
American Express Company	1 30
Franklin Towel Supply Company	8 25
J. W. Coulson & Co. (repairing broken window)	11 50
J. W. Rowland for painting and cleaning offices	200 00
United States government for deposit credit appropriation bureau of audits, amount advanced to treasurer of Philippine Islands for balance of expenses of W. H. Phipps for attendance before grand jury, Columbus, Ohio, legislative bribery cases.	521 80
J. P. Lamb, notary fees for taking depositions in case of State vs. The Hough Bank & Trust Company of Cleveland, Ohio, for recovery of interest on state funds unlawfully deposited	152 00
Ernst & Ernst, accountants, making special audit report relating to deposit of state funds by the treasurer of state of Ohio with the Columbus Savings & Trust Company, Columbus, from August 7, 1905, to January 8, 1909, inclusive, as outlined in report dated September 5, 1912, consultations with attorney general and Attorneys Booth and McCoy.	

Services of firm, 10 days.....	$250 00	
Services of senior accountant, 40 days	600 00	
Services of junior accountant, 23 days	230 00	
Cash expenses, hotel, railroad, fares, etc.....	366 42	
		$1,146 42
Charles C. Connell, special counsel, in full settlement of fees in case of McVeigh v. McVeigh, which resulted in a decree of escheat in favor of the state of Ohio (as provided in Ohio Laws Vol. 192 page 367)..		3,500 00
Wilson S. Potts, special counsel, legal services rendered in case of Jan McVeigh v. Mary Ann McVeigh, Columbiana county.....		500 00
W. H. Spence, special counsel, legal services rendered in case of Jane McVeigh v. Mary Ann McVeigh, Columbiana county.....		3,525 00
DEPARTMENT OF PUBLIC WORKS.		
Isaiah Good in full settlement of all claims for damages caused by overflow due to the breaking and washing out of a waste-way on the banks of the Loramie reservoir, and overflow of the aqueduct near Loramie, Ohio, July, 1907.....		241 00
Marcus Mills in full settlement of claims for damages caused by overflow due to the breaking and partly washing out of a waste-way on the banks of the Loramie reservoir and an overflow of the aqueduct near Loramie, Ohio, during July, 1907..		231 00
Samuel F. Goffena in full settlement of all claims for damages caused by overflow due to the breaking and partly washing out of a waste-way on the banks of the Loramie reservoir and an overflow of the aqueduct near Loramie, Ohio, during July, 1907.....		96 50
Peter Goffena in full settlement of all claims for damages caused by overflow due to the breaking and partly washing out of a waste-way on the banks of the Loramie reservoir and an overflow of the aqueduct near Loramie, Ohio, during July, 1907; and also, by reason of overflow due to break in the canal bank near Basinburg, in February, 1908		640 00
Adah C. Jones in full settlement of all claims for damages caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12th, 1909		600 00

Appropriations to pay unauthorized deficiencies.

Adah C. Jones and M. D. Clark, in full settlement of all claims for damages to crops caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12th, 1909.....	1,200 00
Adah C. Jones and John A. Fisher, in settlement of all claims for damages to crops caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12, 1909.....	702 50
Adah C. Jones and Abraham Cutlip, in full of all claims for damages to crops caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12th, 1909.....	1,042 50
John F. Prather and Frank Cutlip, in full settlement of all claims for damages to crops caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12, 1909....	300 00
John F. Prather and Geo. Baker, in full settlement of all claims for damages to crops caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12, 1909.....	275 00
John F. Prather and John Barch, in full settlement of all claims for damages to crops caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12, 1909.....	100 00
John Prather and J. Stichauer, in full settlement of all claims for damages to crops caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12, 1909.....	90 00
Peter Bauer, in full settlement of all claims for damages to his crops caused by leakage of the canal.....	100 00
John F. Prather and Harry Baker, in full settlement of all claims for damages caused by water flowing through a break in the tow-path of the Ohio and Erie canal, on or about July 12, 1909.....	126 00
Kinnear Brothers, in full for extra work done and materials furnished, after removal of equipment, per direction of engineer and superintendent in charge; account not covered by contract prices on locks Nos. 48, 49, 51 and 52 northern division of Ohio and Erie canal.....	451 15
Kinnear Brothers, balance due as per contract, June 25th, 1908, on furnishing material and construction on locks Nos. 45, 46, 47, 48, 49, 50, 51 and 52, northern	

Appropriations to pay unauthorized deficiencies.

division of Miami and Erie canal at Toledo, O		1,704 62
Daniel Affolter in full for destruction of crops and damage to property by reason of material thrown upon his premises by the dredge during the dredging of the Ohio canal in the year 1910		1,000 00
John I. Miller, superintendent of public works: Salary from January 1, to February 15, 1913	$500 00	
Expenses, January 9 to February 4, 1913	26 70	
		526 70
J. W. McBroom in full settlement of claim for damages due to loss by water power by reason of the state of Ohio destroying the dam across Hocking river at what is known as the Hocking Falls mill		2,500 00
C. C. Bellows in full settlement of claim for damages from floods in the years 1904 to 1908 inclusive		950 00
Witness fees in the matter of C. C. Bellows' claim		45 50
William Whitten and Fred L. Lutz, executor and trustee of the last will of George Kline, in full settlement of all claims for damages due to non-maintenance of the aqueduct in Yellowbud over Yellowbud creek and consequent breaking of Yellowbud creek bank and overflow of water onto the premises of the claimants		625 00
John Hayes in full settlement of all claims for damages due to non-maintenance of the aqueduct in Yellowbud over Yellowbud creek and consequent breaking of Yellowbud creek bank and overflow of water onto the premises of the claimant		500 00
Theodore Carle in full settlement of all claims for damages due to non-maintenance of the aqueduct in Yellow bud over Yellowbud creek and consequent breaking of Yellowbud creek bank and overflow of water onto the premises of said claimant		50 00

Reimbursement in full to the following lessees for rentals paid at Buckeye lake under leases made by the board of public works and chief engineer and subsequently declared void by the circuit court of Licking county:

Frank P. Whitney	$14 50
W. M. Woodruff	14 50
J. F. Baker	6 75

Appropriations to pay unauthorized deficiencies.

Ora Woolard		3 00
Charles F. Furniss		7 60
John Schoff		8 60
S. E. Hanna		7 67
O. L. Fogle		8 60
R. A. White		8 60
E. S. Howard, transferred to O. L. Fogle		8 60
J. D. Evans, transferred to Wm. H. Turner		14 50
Frank Fogle		7 60
C. T. Butin		7 60
J. F. Atwood		7 60
Fred Reigger and D. W. Wood—seven leases	$46 36	
	46 36	
	116 90	
	46 36	
	44 53	
	38 87	
	52 50	
		391 88
Chas. Kinney		30 00
H. Bucher, Keller, Island		33 75
		$581 35

Department of public works for payment of expenses of commission in arbitration of damage claims filed against the state of Ohio by Abel J. Hawk, et al., in Mercer county, Ohio:

Expense of witnesses	$40 80	
Fees of stenographers	65 40	
Expense of commission at St. Marys, O	14 15	
Expense of commission at Rockford, O	3 25	
Fees, mileage and expense due F. C. Kenthan	28 05	
Fees and expenses of John H. Koch	39 86	
Fees and expenses of S. W. Wright	37 29	
		228 80

Armstrong & Okey, official stenographers for services rendered and expenses incurred in hearings in the investigation of the claim of C. C. Bellows for damages on account of maintenance of the Columbus feeder of the Ohio canal, near Columbus, Franklin county, O. 279 62

Armstrong & Okey, official stenographers, for services rendered and expenses incurred in hearing, in the investigation of the claim of William Whitten, et al., for dam-

ages account of maintenance, southern of Ohio canal..... 174 90

Elizabeth Mack, Akron, Ohio, in full of all claims for damages and property loss occasioned by canal operations..... 1,600 00

STATE BOARD OF HEALTH.

The W. S. Carlile & Sons Co., Columbus, O., for rugs..... $151 20

BOYS' INDUSTRIAL SCHOOL.

Treasurer of Geauga county, in full reimbursement of Geauga county for over-payments made on account of Walter Killius subsequent to his release from Lancaster, Ohio 45 00

STATE BOARD OF UNIFORM STATE LAWS.

Expenses of commissioners..... $225 00

OHIO STATE BOARD OF AGRICULTURE.

Live stock commission for horses affected with glanders and by the commission ordered destroyed $2,995 00

Live stock commission for cattle infected with tuberculosis and by the commission ordered destroyed..... 13,519 06

The Terry Engraving Co., Columbus, O., in full for the following items:

July 31, 1907. Altering plate..	$4 50	
July 31, 1907. Steel Eng. L. H. plate	40 00	
Feb. 11, 1908. Zinc etch. map..	1 05	
Feb. 27, 1909. Altering plate..	3 00	
		48 55

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

John W. Hock, Cincinnati, O., in full payment of traveling expenses in connection with work of department in May and June, 1907 ..... $81 60

P. B. Johnston, in full payment of traveling expenses in connection with work of the department in May and June, 1907..... 132 75

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

George F. Crawford in full payment of salary for extra bookkeeping work for this department during years 1909 and 1910.... $500 00

GIRLS' INDUSTRIAL HOME.

Appropriations to pay unauthorized deficiencies.

The Sheldon Dry Goods Co., Columbus, O., in full payment for merchandise furnished prior to and including January, 1909.... $81 45

INSPECTOR OF WORKSHOPS AND FACTORIES.

Salaries and expenses of building code incurred prior to February 15, 1913..... $473 43

LIBRARY.

Geo. T. Spahr, Columbus, O., in full for rent of suite, No. 403 Outlook building during September, November and December, 1910, and January and half of February, 1911 ..... $135 00
Two years interest thereon..... 16 30
——— $151 30

OHIO NATIONAL GUARD.

E. L. Hessenmueler, Cleveland, O., expenses incurred as trustee in the purchase of home for Joseph W. Mahan, provided for in H. B. No. 617, 79th general assembly. $200 00

Joseph G. Gavin, in full settlement of all claims for injuries received by the premamature explosion of a cannon while in the line of duty as a member of the Ohio national guard and firing a salute to Hon. R. B. Hayes on September 17th, 1879..... 1,800 00

It is hereby provided that before a warrant on the treasury be drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which the said Joseph G. Gavin is residing, and that the said trustee is authorized to invest the said eighteen hundred dollars in a home for the benefit of the said Joseph G. Gavin, excepting the necessary expenses of such trusteeship not to exceed one hundred dollars; that at his death said property shall go to his widow or heirs of his body; that in the event of the death of said widow and heirs before that of the said Joseph G. Gavin, then at his death, said property shall revert to and become the property of the state of Ohio.

Carl J. Bricker, Orville, Ohio, in full for horses furnished during encampment at Strasburg, Ohio, in August, 1906..... 200 00

Appropriations to pay unauthorized deficiencies.

Durwood F. Beverly in full settlement of all claims for the death of his son, Corporal Roland Beverly, battery A, first battalion, field artillery, Ohio national guard, said death occuring September 29, 1911, at Sparta, Wisconsin, by explosion of shell in gun, and while in the line of duty with said battery at its encampment....	2,500 00
It is hereby provided that before a warrant on the treasury be drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which said Durwood F. Beverly is residing, and the said trustee is hereby authorized to invest the said two thousand five hundred dollars, for the benefits of said Durwood F. Beverly; that at his death said investment shall go to his widow or heirs of his body; that in the event of the death of the said widow and heirs before that of the said Durwood F. Beverly then at his death said investment shall revert to and become the property of the state of Ohio.	
William C. Gau in full settlement of all claims for the death of his son, Private Howard W. Gau, battery A, first battalion, field artillery, Ohio national guard; said death occurring September 29, 1911, at Sparta, Wisconsin, by explosion of shell in gun, and while in the line of duty with said battery at its annual encampment.....	2,500 00
It is hereby provided that before a warrant on the treasury be drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which the said William C. Gau is residing, and the said trustee is hereby authorized to invest the said two thousand five hundred dollars, for the benefit of the said William C. Gau; that at his death said investment shall go to his widow or heirs of his body; that in the event of the death of the said widow and heirs before that of the said William C. Gau, then at his death said investment shall revert to and become the property of the state of Ohio.	
Private John S. Cutcheon, battery A, first battalion field artillery, Ohio national guard, in full settlement of all claims for injuries received while in the line of duty at the annual encampment of said battery, Sparta, Wisconsin, September 29, 1911..	150 00

Appropriations to pay unauthorized deficiencies.

Private Earl S. Snyder, battery A, first battalion, field artillery, Ohio national guard, in full settlement of all claims for injuries received and loss of right leg while in the line of duty at the annual encampment of said battery, Sparta, Wisconsin, September 29, 1911	1,000 00
Dr. J. D. Fouts, Dayton, Ohio, in full for services rendered incident to injuries received by Private Earl B. Snyder, battery A, first battalion, field artillery while at annual encampment, Sparta, Wisconsin, in 1911	150 00
The Miami Valley hospital, Dayton, Ohio, for services rendered incident to injuries received by Private Earl B. Snyder, battery A, first battalion, field artillery, Ohio national guard, while at annual encampment, Sparta, Wisconsin, September 29, 1911	30 81
Corporal Gordon A. Riley, company D, corps of engineers, Ohio national guard, Cleveland, Ohio, in full settlement of all claims for injuries received while receiving instructions in use of high explosives on May 26, 1912	30 00
Raymond G. Schulke, company D, corps of engineers, Ohio national guard, of Cleveland, Ohio, in full settlement of all claims for injuries received while being instructed in use of high explosives on May 26, 1912	150 00
Dr. Robert E. Ruedy, Cleveland, Ohio, in full for medical services rendered to Gordon A. Riley, Raymond G. Schulke and Alfred E. Schendel, in connection with injuries received, May 26, 1912	10 00
Dr. Ernest H. Cox, Cleveland, Ohio, in full for medical services rendered Albert E. Schendel, in connection with injuries received May 26, 1912, said services extending from May 26th to December 1, 1912	300 00
St. Vincent's Charity hospital, Cleveland, Ohio, in full settlement of all claims for services, dressings and nursing for Corporal Gordon A. Riley, May 26 to June 1, 1912, inclusive, and Musician Albert E. Schendel from May 26 to 31st, 1912, inclusive	28 00
Dr. E. O. Hain, Cleveland, Ohio, in full settlement for medical services rendered Private Raymond G. Schulke	35 00

Appropriations to pay unauthorized deficiencies.

Commanding officer, company D, corps of engineers, Ohio national guard, Cleveland, Ohio, in full settlement of all claims for moneys paid out of company funds for nurses for Musician Albert E. Schendel, June 12 and 27, and September 25, 1912. 55 25

Major John R. McQuigg, Cleveland, Ohio, in full settlement of all claims for money paid for nurse for Musician Albert E. Schendel, July 9, 1912..... 35 70

J. H. Schendel, expenses for medicines and supplies for Albert E. Schendel..... 60 00

Albert E. Schendel, in full settlement of all claims for loss of time, suffering and permanent injury received in line of duty due to accident while being instructed in the use of high explosives, May 26, 1912.. 2,000 00

Adjutant general's department for expenses incident to sending company L, first infantry, to Manchester, Ohio, during January, 1913, flood:

Pay roll.....	$539 66	
Subsistence and supplies.....	79 78	
		619 44

Mrs. Michael Hansgen in full for funeral expenses of her son, Corporal G. W. Hansgen, company K, seventh regiment, Ohio national guard..... 150 00

Clerk of Wayne county common pleas court in full for claims:

Yeisley, Admr. v. Critchfield.		
Judgment	$157 72	
Interest from Feb. 5, 1912, to March 1, 1913.....	10 15	
Total cost of trial of case.....	118 16	
		286 03
Yeisley, Admr. v. Critchfield.		
Judgment	$286 75	
Interest February 5, 1912, to March 1, 1913.....	18 45	
Total cost in case.....	21 46	
		326 66

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Mabel Fitzgerald, in full settlement of all claims for the death of her husband, Frank Fitzgerald, in November, 1911, while employed by the state as assistant electrical engineer $2,200 00

It is hereby provided that before a warrant is drawn on the treasury by the auditor of state, a trustee shall be appointed by the

Appropriations to pay unauthorized deficiencies.

probate judge of the county in which the said Mabel Fitzgerald resides, and said trustee is hereby authorized to invest said twenty-two hundred dollars for her benefit; that at the death of said Mabel Fitzgerald this investment shall go to her son, Howard Fitzgerald.

Howard Fitzgerald, son of Frank Fitzgerald and Mabel Fitzgerald, in full settlement of all claims due to the death of his father, Frank Fitzgerald, in November, 1911, while employed by the state as assistant electrical engineer at the Ohio soldiers' and sailors' orphans' home, Xenia, Ohio 1,500 00

It is hereby provided that before a warrant is drawn on the treasury by the auditor of state, a trustee shall be appointed by the probate judge of the county in which the said Howard Fitzgerald resides, and said trustee is hereby authorized to invest the fifteen hundred dollars for the benefit of said Howard Fitzgerald.

STATE LIABILITY BOARD OF AWARDS.

Lentz, Karns, Linton & Hengst, Columbus, Ohio, in full for services in re No. 13,300 in the supreme court of Ohio in relation of Wallace D. Yaple, plaintiff vs. David S. Creamer, treasurer of state, defendant $2,500 00

Columbus Blank Book Mfg. Co., claim of December 31, 1910 ..... 4 00

OHIO BOARD OF ADMINISTRATION.

Vinton Gilmore in full settlement for injuries received while cleaning a centrifugal wringer in the laundry of the Ohio state reformatory $1,000 00

It is hereby provided that before a warrant is drawn on the treasury by the auditor of state a trustee shall be appointed by the probate court of the county in which said Vinton Gilmore resides, such trustee to invest said amount in such manner as may appear best to secure to said Vinton Gilmore its best use and benefit; said trustee to receive for his services not to exceed $100 of the above amount.

A. W. Martin, Ashland, O., for the benefit of his son's education, being in full settlement for injuries received while employed as guard at Ohio state reformatory, from inmate Earnest Johnson (serial No. 4125) 500 00

Appropriations to pay unauthorized deficiencies.

It is hereby provided that before a warrant is drawn on the treasury by the auditor of state a trustee shall be appointed by the probate court of the county in which said A. W. Martin resides, such trustee to invest said amount for the benefit of A. W. Martin's son, principal and proceeds to be expended for his education; said trustee to receive for his services not to exceed $50.00 of the above amount.

STATE HOUSE AND GROUNDS.

Lighting for state house for January and first half of February, 1913, in connection with work of constitutional convention..	$2,081 00

TREASURER OF STATE.

William Agnew, Cleveland, O., to reimbuse him for payment to Cuyahoga county of $890.00, to cover duplicate payments made by him in error as per his letters of July 27th, 1910 and July 28, 1911, to the auditor of state, being amounts recovered on forfeited bonds:		
109653 Ohio ex rel Cline vs. Paulus	250 00	
113081 Ohio ex rel Cline vs. Kramer	100 00	
109667 Ohio ex rel Cline vs. Nowak	40 00	
116122 Ohio ex rel Cline vs. Jenkins	500 00	
	————	$890 00

CONSTITUTIONAL CONVENTION.

The Carey Times, Carey, O., in full for constitutional convention advertising and circulation of supplements carrying the text of the constitutional amendments.....	$120 50
The Express Publishing & Printing Co., Toledo, O., in full for printing and circulation of supplements carrying the text of the constitutional amendments.....	45 63
The Newark Advocate, Newark, O., in full for constitutional convention advertising and circulation of supplements carrying the text of the constitutional amendments...	141 15
The F. J. Heer Printing Co., balance due on contract for printing the first volume of proceedings and debates of the constitutional convention.....	245 00

Appropriations to pay unauthorized deficiencies.

MISCELLANEOUS.

City of Massillon, in full for cost of state's share of paving on North Erie street, Massillon:
1529.94 square yards paving @ $1.111 ..... $1,699 86
1004.5 lineal feet of stone curb @ 39c 391 76
——— $2,091 62

The German American Publishing Co., Columbus, O., in full for advertising for the Ohio state sanitarium commission on September 13th and 20th, 1910 ..... 15 60

Society for Savings, Cleveland, O., interest on deficiency 98 63

Urbana Telephone Co., Urbana, O., refund of excise taxes paid in due to error in including in 1909 report an item of $3,500 as part of the company's receipts, same being transfer of money from one bank to another 35 00

The Northeastern Oil & Gas Co., refund of corporation tax paid in error, being $300 for each of the years 1902 to 1912 inclusive.. 3,600 00

United Electric Company, Canton, O., refund of corporation tax paid in error for the years 1902 to 1904 inclusive in the following respective amounts, viz.: $28.20, $28.20 and $28.40 ..... 84 80

Wilson Oil & Gas Company, Bolivar, N. Y., refund of corporation tax paid in error during years 1903 to 1909 inclusive 431 00

The Worth Oil & Gas Company, refund of corporation tax paid in error during years 1910 to 1912 inclusive 450 00

Utica Gas, Oil & Mining Company, Utica, Ohio, refund of fees paid under the Willis law for the year 1903 being $16.02 and years 1904 to 1907 inclusive, $20.00 each. 95 02

Illingworth, Ingham & Company, Ltd., refund of fee paid in error in 1910 of $52.91, whereas it should properly have paid the minimum fee of $10.00 ..... 42 91

Crocker-Wheeler Company, refund of fee paid in error in 1910 of $121.05, whereas it should properly have paid the minimum fee of $10.00 ..... 111 05

Pomeroy and Middleport Electric Company, refund of excise tax paid in error by reason of reporting gross receipts for 1911 as $22,061, whereas the gross receipts for this year were; refund being 1.2% on the difference 118 53

Appropriations to pay unauthorized deficiencies.

Cleveland Taxicab Company, refund of corporation fee paid in error.....	196	50
Greenfield Home Telephone Company, refund of excise tax paid in error by reason of gross receipts for 1912 being reported as $30,100, whereas the correct amount was $21,352; refund being 1.2% on the difference	104	98
The Carr Milling Company, Hamilton, Ohio, refund of excise tax paid in error, due to capital stock being reported for years 1902 and 1903 as $50,000, whereas the correct amount was $5,400, upon which $10 per year should properly have been paid instead of $50 per year.....	80	00
The Hydro Electric & Gas Company, refund of fee paid by this company in error as a domestic corporation for profit in the years 1909 and 1910, a report subsequently filed showing that said company is a public utility and having reported its gross receipts as such, is not under the law required to pay a fee as a domestic corporation for profit.....	700	00
Gallipolis Gas & Coke Company, Gallipolis, O.: Refund of corporation tax paid in error by this company in years 1902 to 1910 inclusive, said company being properly taxable as a public utility.....	283	05
C. M. Rice, Danville, Ohio, for the benefit of the stockholders and creditors, if any, of the Ohio Union Oil & Gas Company of Mt. Vernon, Ohio, a public utility, dissolved February 5th, 1913: For corporation tax erroneously paid secretary of state for the years 1905, 1906 and 1907 as a domestic corporation for profit in the sum of $154.40 for each of said years.....	463	20
(Said company having during said years paid the excise tax on said corporation in the sum of $174.84.) Voucher for the above amount to be approved by the attorney general.		
Perry township trustees, Stark county, Ohio, for additional expenses in road construction in excess of engineer's estimate on road construction adjacent to Massillon state hospital	331	26
Ohio state university to make correct amount in line 36 of H. B. No. 240, "Repairing roof Townshend hall....$840.00" whereas it should have been $840.60.....		60

Appropriations to pay unauthorized deficiencies.

Dr. W. B. Laffler for services rendered in habeas corpus proceedings instituted by Father Murphy against the Cleveland state hospital	50 00
Dr. Charles W. Stone for services rendered in habeas corpus proceedings instituted by Father Murphy against the Cleveland state hospital	50 00
Joseph Myers in full for balance due on disbursements and receipts in the management of the Ohio state sanitarium farm	178 60
Committee expenses incidental to work of committee appointed under authority of H. J. R. No. 15, 80th general assembly, being a committee to inquire into and investigate expenditures of all departments of state, including legislative bodies	200 00
Price, Alburn & Duoust, attorneys, Cleveland, Ohio, in full for legal services in the case of the Cleveland Terminal Valley Railroad Company, and the Baltimore & Ohio Railroad Company, plaintiffs in error, on the relation of the attorney general, case No. 13027, in the supreme court of Ohio; and, in the case of state ex. rel. vs. the Miami & Erie Canal Transportation Company, and the Cincinnati Trust Company, case No. 12839 in the supreme court of Ohio	750 00
David K. Watson, attorney, in full for services in the case of the Cleveland Terminal and Valley Railway Company and the Baltimore & Ohio Railroad Company against the state of Ohio, on the relation of the attorney general, case No. 13027, in the supreme court of Ohio	1,250 00
Minnie E. Sturgeon, Columbus, Ohio, in full for all claims incidental to the death of her husband, Samuel K. Sturgeon, due to accident while employed by the Ohio state university	3,000 00

The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just, and in the event said committee finds the law relating to creating deficiencies has been

This act is temporary and special and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

violated by any official or board, it shall report the same to the governor in writing.

Appropriations to pay unauthorized deficiencies.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Partially approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
264 G.

May 9, 1913.

To the General Assembly:

House bill No. 673, "To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1913," is filed with the secretary of state with my approval, with the exception of the following items, to-wit:

DEPARTMENT OF PUBLIC WORKS.

John F. Prathers and Harry Baker, in full settlement of all claims for damages caused by water flowing through a break in the tow path of the Ohio and Erie canal, on or about July 12, 1909.....	$126 00
Daniel Affolter in full for destruction of crops and damage to property by reason of material thrown upon his premises by the dredge during the dredging of the Ohio canal in the year 1910.....	1,000 00
Theodore Carle in full settlement of all claims for damages due to non-maintenance of the aqueduct in Yellowbud over Yellowbud creek and consequent breaking of Yellowbud creek bank and overflow of water onto the premises of said claimant	50 00
Elizabeth Mack, Akron, Ohio, in full of all claims for damages and property loss occasioned by canal operations.....	1,600 00

The attorney general's department is without any information, so I am advised, as to whether these claims have ever been adjudicated through a commission, as provided by law, and for that reason I think the state should not, at this time, make payment.

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

John W. Hook, Cincinnati, O., in full payment of traveling expenses in connection with work of the department in May and June, 1907	$81 60

Appropriations to pay unauthorized deficiencies.

P. B. Johnston, in full payment of traveling expenses in connection with work of the department in May and June, 1907..... 132 75

We are without information which would explain the long delay in the payment of these claims.

OHIO NATIONAL GUARD.

E. L. Hessenmueler, Cleveland, O., expenses incurred as trustee in the purchase of home for Joseph W. Mahan, provided for in H. B. No. 617, 79th general assembly.. $200 00

Joseph G. Gavin, in full settlement of all claims for injuries received by the premature explosion of a cannon while in the line of duty as a member of the Ohio national guard and firing a salute to Hon. R. B. Hayes, on September 17th, 1879.. 1,800 00

Carl J. Bricker, Orrville, Ohio, in full for horses furnished during encampment at Strasburg, Ohio, in August, 1906..... 200 00

Durwood F. Beverly, in full settlement of all claims for the death of his son, Corporal Roland Beverly, battery A, first battalion, field artillery, Ohio national guard, said death occurring September 29, 1911, at Sparta, Wisconsin, by explosion of shell in gun, and while in the line of duty with said battery at its encampment..... 2,500 00

William C. Gau, in full settlement of all claims for the death of his son, Private Howard W. Gau, battery A, first battalion, field artillery, Ohio national guard; said death occurring September 29, 1911, at Sparta, Wisconsin, by explosion of shell in gun, and while in the line of duty with said battery at its encampment.... 2,500 00

Commanding officer, company D, corps of engineers, Ohio national guard, Cleveland, Ohio, in full settlement of all claims for moneys paid out of company funds for nurses for Musician Albert E. Schendel, June 12 and 27, and September 25, 1912. 55 25

Yeisley, Admr, v. Critchfield.

Interest from Feb. 5, 1912, to March 1, 1913. 10 15

Yeisley, Admr, v. Critchfield.

Interest from Feb. 5, 1912, to March 1, 1913. 18 45

It will be observed that the Beverly and Gau items provide payment to the fathers of unmarried sons. I have inquired of the committee on appropriations, and find there is nothing of record showing that the young men who were

the sad victims of the tragedy in Wisconsin contributed to the support of their fathers. Compensation is never allowed under the common law unless dependence is shown. With the information before us it would seem that it is contemplated to disburse the public funds in these two instances with little regard to the precautions which should be exercised by the state in paying out money which really belongs to the people. Appropriations to pay unauthorized deficiencies.

The item which pays $55.25 to "Commanding officer, company B, corps of engineers", gives every indication of having been passed on without the material facts that join to the case. This is evidenced by the fact that the name of the commanding officer is not stated.

It will be observed that in the Yeisley v. Critchfield cases the interest charges have been stricken out. It is not the practice of the state to pay interest, and the reason for including it is not apparent.

JAMES M. COX,
Governor.

[House Bill No. 674.]

AN ACT

To make sundry appropriations, and to amend House Bill No. 381, passed February 27, 1913, entitled an act "To make partial appropriations for the last three-quarters of the fiscal year ending November 15, 1913, and the first quarter of the fiscal year ending February 15, 1914;" and to amend House Bill No. 590, passed April 14, 1913, entitled an act "To make general appropriations."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to be available to pay liabilities on and after February 15, 1913: Sundry appropriations.

ADJUTANT GENERAL'S DEPARTMENT.

Part salary of superintendent of state arsenal	$300 00
Transportation, subsistence, medical supplies and attendance, and other necessary expenses incident to attendance of the Ohio soldiers who participated in the battle of Gettysburg at the celebration of the fiftieth anniversary of that event.....	12,000 00

AUDITOR OF STATE.

Shelving, repairs and file cases, unexpended balances.

BOARD OF HEALTH.

Sundry appropriations.

Expenses of pathological work	$500 00
File cases	200 00
Contingent expenses	1,000 00

BOARDS OF EDUCATION.

For the support of schools for the blind, crippled and deaf children, to be distributed by the auditor of state, in accordance with provisions of house bill No. 273, 80th general assembly	$46,000 00

STATE HOUSE AND GROUNDS.

Roof repairs and replacement of skylights of capitol building	$2,000 00
Remodeling press room and rebuilding stairway, including material and labor required	1,500 00
Moving, remodeling and refurnishing offices of the governor, adjutant general, auditor of state and dairy and food commissioner	13,000 00
Repairs and improvements of wash rooms and toilets of the senate and house of representatives	1,500 00

BUDGET COMMISSION.

For examination of departments, institutions and offices of the state, for the purpose of recommending more efficient and economical methods of conducting the same, and for assisting in preparation of the governor's budget, in accordance with senate bill No. 227, 80th general assembly	$15,000 00

CONSTITUTIONAL CONVENTION.

The F. J. Heer Printing Company, contract for second volume "Constitutional Convention Debates"	$4,100 00
Ella M. Scriven, salary	750 00
E. S. Nichols, salary	750 00
I. R. Morrison, salary	750 00
Contingent expense	100 00
C. B. Galbreath, salary	750 00

INDUSTRIAL COMMISSION OF OHIO.

Receipts and balances.....

STATE LIQUOR LICENSE BOARD.

Salaries, uses and purposes of state and county boards in accordance with provisions of senate bill No. 203, 80th general assembly	$165,000 00

OHIO NATIONAL GUARD.

Sundry appropriations.

Adjutant general, for expenses incidental to sending companies B and F, 8th infantry to Akron for a period of fifteen days:

Company B, pay roll	$1,453 92	
Company F, pay roll	1,215 00	
Subsistence	939 60	
Merchandise for use of these companies	95 49	
		$3,704 01

Adjutant general for expenses incidental to sending company F, 8th Ohio infantry to Akron.

Pay roll	162 00

Headquarters of third regiment of infantry, Ohio national guard, to replace regimental property destroyed by fire March 26, 1913; this property being of such nature it cannot be restored by state or government issue 712 00

For expenses incidental to entertainment of foreign rifle and revolver teams invited to participate in the international rifle and revolver competition to be held concurrently with the Perry memorial centennial celebration 15,000 00

Hattie G. Harper in full settlement of all claims for the death of her husband, E. L. Harper, while in the line of duty as battalion sergeant-major, third infantry, Ohio national guard, at Dayton, Ohio, March 25, 1913..... 2,500 00

It is hereby provided that before a warrant on the treasury is drawn by the auditor of state a trustee shall be appointed by the probate court of the county in which the said Hattie G. Harper is residing, and that the said trustee is hereby authorized to invest the said two thousand five hundred dollars for the benefit of the said Hattie G. Harper during her natural life; that at her death said investment shall go to the heirs of the body of the said E. L. Harper; that in the event of the death of said heirs before that of the said Hattie G. Harper, their mother, said property shall revert to and become the property of the state of Ohio.

To the minor heirs of E. L. Harper, battalion sergeant-major, third infantry, Ohio national guard, as follows:

Pauline Lenore	1,000 00

Sundry appropriations.

Harold Edward 1,000 00
Unborn child 1,000 00
Compensation in full for the death of their father, the said E. L. Harper.
It is hereby provided that before a warrant on the treasury is drawn by the auditor of state, a guardian shall be appointed for the said minor heirs of the said E. L. Harper, who shall invest and use the same for the benefit of said minor heirs, as provided by law; that in the event of the death of either of the said minor heirs before reaching legal age, any sum remaining in the hands of their guardian shall be passed to the credit of the remaining heir or heirs; that in the event of the death of all said heirs before reaching legal age any sums of money or property whatsoever arising out of the funds paid by the state of Ohio to said minor heirs shall be paid over to the trustee of said Hattie G. Harper, their mother, to be held for her in trust during her natural life, and any balance of said funds remaining in the custody of said trustee shall revert to the state of Ohio on the death of the said Hattie G. Harper.
Etta N. Harris in full settlement of all claims for the death of her husband, William Harris, while in the line of duty, as first sergeant, company K, third infantry, Ohio national guard, at Dayton, Ohio, March 26, 1913..... 2,500 00
It is hereby provided that before a warrant on the treasury is drawn by the auditor of state a trustee shall be appointed by the probate court of the county in which the said Etta N. Harris is residing, and that the said trustee is hereby authorized to invest the said two thousand five hundred dollars for the benefit of the said Etta N. Harris during her natural life; that at her death said investment shall go to the heir of the body of the said William Harris; that in the event of the death of the said heir before that of the said Etta N. Harris, her mother, said property shall revert to and become the property of the state of Ohio.
To the minor heir of the said William Harris, first sergeant, company K, third infantry, Ohio national guard, Catherine Harris... 1,000 00
Compensation in full for the death of her father, the said William Harris.

Sundry appropriations.

It is hereby provided that before a warrant on the treasury is drawn by the auditor of state a guardian shall be appointed for the said minor heir of the said William Harris, who shall invest and use the same for the benefit of the said minor heir as provided by law; that in the event of the death of the said minor heir before reaching legal age, any sum of money or property whatsoever arising out of the funds paid by the state of Ohio to said minor heirs shall be paid over to the trustee of the said Etta N. Harris, her mother, to be held for her in trust during her natural life, and any balance of said fund remaining in the custody of said trustee shall revert to the state of Ohio on the death of the said Etta N. Haris.

OHIO STATE BOARD OF AGRICULTURE.

Townsend Brothers, for building erected by them and now standing on Ohio state fair grounds	$1,000 00
For promotion of horticulture and conducting state apple show	1,000 00

SECRETARY OF STATE.

For expenses of publishing and distributing pamphlet authorized by section 1-g, article 2, constitution of Ohio	$50,000 00

DEPARTMENT OF PUBLIC WORKS.

To provide necessary sanitary facilities, south and east side of Buckeye lake	$3,500 00
Dredging, dredge and removal of stumps, Indian lake	6,000 00
Costs for investigation of damage claims	1,500 00
For completion of south end of revetment wall on the west side of Lake St. Marys, (Mercer county reservoir)	5,600 00
Construction of levee near the west corporation line of Grand Rapids, Wood county, Ohio	2,000 00
Completion of revetment wall, dredge and dredging at Buckeye lake	20,000 00
Concrete spill-way, new bulkhead, feed gates and restoration of levee at state dam near Middletown	49,920 00
Repairing levee at six mile dam on Walhonding river above Roscoe	10,000 00
Additional waste gates in west bank of Lake St. Marys	13,800 00
Contingent fund	1,000 00

BOARD OF STATE CHARITIES.

Sundry appropriations.

For children's welfare work..... $5,000 00
Receipts.

DAIRY AND FOOD COMMISSIONER.

Salary of extra clerks and inspectors.....	$280 00
Contingent expenses	500 00
Traveling expenses of liquor tax inspectors...	1,600 00
Contingent expenses for collection of liquor tax	2,000 00

LEGISLATIVE REFERENCE DEPARTMENT.

Office partitions and equipment..... $500 00

GEOLOGICAL SURVEY.

Geological survey, receipts and balances..... $1,000 00

CHIEF INSPECTOR OF MINES.

For the following expenses incidental to maintenance of mine rescue car, provided for in senate bill No. 69, 80th general assembly:

Salary of attendant in charge of car....	$1,200 00
Contingent expenses at $50 a month.....	600 00
Purchase and maintenance of car and equipment	10,000 00

OHIO BOARD OF ADMINISTRATION.

Improvement of Sullivant avenue, from Central avenue to Hague avenue, in the city of Columbus in front of state property known as the institution for feeble-minded youth.	$14,326 00
Improvement of Broad street, from Anson street, (Hocking Valley crossing) to Shady Lane, in the city of Columbus, in front of state property occupied by the state hospital	14,196 00

CLEVELAND STATE HOSPITAL.

Remodeling and addition to kitchen, balances and 6,000 00

TOLEDO STATE HOSPITAL.

Remodeling cottages, balances.

Sundry appropriations.

Enlarging technical and industrial building; unexpended balance to be reappropriated for laundry and industrial building.

The subtitle, "Manufacturing fund," under the title, "Ohio Board of Administration" in house bill No. 590, passed April 14, 1913, entitled an act "To make general appropriations," is hereby amended to read as follows: "Manufacturing fund, receipts, balances and".

The sub-title, "For the replacement of a bridge destroyed by flood on road leading from girls' industrial home to railroad," under the title of "Ohio Board of Administration" in house bill No. 590, passed April 14, 1913, entitled an act "To make general appropriations," is hereby amended to read as follows: "To assist county commissioners of Delaware county, Ohio, to replace bridge destroyed by flood on road leading from girls' industrial home to railroad."

INSURANCE DEPARTMENT.

Part salary of actuary..... $600 00

LEGISLATURE.

The sub-title, "Salary and mileage of members," under the title, "Legislature" in house bill No. 381, passed February 27, 1913, entitled an act "To make partial appropriations for the last three-quarters of the fiscal year ending November 15, 1913, and the first quarter of the fiscal year ending February 15, 1914," is hereby amended to read as follows: "Salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employes of the general assembly."

The sub-title, "Salary and mileage of members," under the title, "Legislature" in house bill No. 590, passed April 14, 1913, entitled an act "To make general appropriations," is hereby amended to read as follows: "Salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employes of the general assembly."

Young men's christian association, Columbus, Ohio, for chaplains' services..... $100 00

Sundry appropriations.

Contingent expenses of senate.....	1,500 00
Contingent expenses of house.....	1,500 00
Expenses of legislative committees.....	5,000 00

SUPREME COURT AND LAW LIBRARY.

Contingent fund	$750 00
Typewriters and typwriter desks.....	250 00

MEMORIALS.

The Ohio commissioners of the Perry's victory centennial, for construction of the Perry memorial and in aid of the Perry's victory centennial celebration at Put-in-Bay, South Bass Island, Ohio, during the year 1913, for the purposes aforesaid and for incidental educational purposes in the public schools and other educational institutions of Ohio, and for the proper participation of the naval malitia of Ohio in the proposed centennial celebration, and to aid in the entertainment of the president of the United States and other distinguished guests, the sum of..... $115,000 00

To an honorary commission of three persons, appointed by the governor, commission not requiring to be confirmed by the senate, to serve without compensation except to receive their necessary expenses. Said commission to enter into a contract, to be approved by the governor, for erection of a monument to members of the 126th regiment, Ohio volunteer infantry, who fell at "Death Angle," at the battle of Spottsylvania Court House in the state of Virginia. The monument to be erected on the battle field at a place agreed upon by said commission and the persons in control of said premises. For said monument, including expenses of the commission, upon vouchers signed by the commission and countersigned by the governor, the sum of..... 1,500 00

To an honorary commission of three persons, appointed by the governor, appointment not requiring confirmation by the senate, to serve without compensation. Said commission to enter into a contract, to be approved by the governor, for erection of a memorial building in commemoration of the life and work of Thomas Kirker, second governor of Ohio, in the Kirker cemetery, Adams county, Ohio. After ap-

pointment the commission shall organize and elect one of their members chairman. The chairman shall approve and sign all vouchers for the payment of costs in the erection of this memorial building, for which there is hereby appropriated the sum of 2,500 00

To the McKinley memorial association of Niles, Ohio, the same to be used in the aid of the construction of a memorial to be erected at the birth place of William McKinley 5,000 00

To an honorary commission of three persons to be appointed by the goevrnor, but appointment not to require the confirmation of the senate, said commission to serve without compensation. Said commission to enter into a contract, to be approved by the governor, for the erection of a monument or memorial building on the site of the original location of Ft. Amanda, southwest of the city of Lima, Ohio. After appointment, the commission shall organize and elect one of their members chairman. The chairman shall approve and sign all vouchers for the payment of costs in the erection of said monument or memorial building, for which there is hereby appropriated the sum of $5,000.00.

To an honorary commission, appointed by the governor, appointment not requiring confirmation by the senate, to serve without compensation, except actual expenses. Said commission to enter into a contract to be approved by the governor, for the erection of a memorial building, in commemoration of the life and services of Colonel William Jennings and his company of soldiers who erected a fort at Fort Jennings, the present site of the village of Fort Jennings, Putnam county, Ohio. After appointment the commission shall organize and elect one of its members chairman. The chairman shall approve and sign all vouchers for the payment of costs in the erection of said memorial building, for which there is hereby appropriated the sum of..... 4,000 00

MEDALS FOR VALOR.

John A. Bell, for gold medal to be presented by Governor James M. Cox, as a recogni-

Sundry appropriations.

tion by the people of Ohio of said John A. Bell's heroism and faithful services during the floods of March and April, 1913	$50 00
Thomas E. Green, for gold medal to be presented by Governor James M. Cox, as a recognition by the people of Ohio of said Thomas E. Green's heroism and faithful services during the floods of March and April, 1913	50 00

MISCELLANEOUS.

Expenses of commission to investigate mining conditions, under authority of house joint resolution No. 38, 80th general assembly.	$5,000 00
Board of county commissioners of Shelby county, Ohio, for the purpose of assisting Shelby county, in the construction and erection of a bridge, with the necessary piers, abutments, approaches and retaining walls thereto, over and across the Loramie state reservoir and lands of the state of Ohio thereto pertaining in said Shelby county, on or about the line between sections one (1), and six (6), township eight (8), south range five (5) east, in said county, made necessary by the fact of the existence of said reservoir, and to connect the public roads now running north and south on or about said section lines to said reservoir on both sides thereof, the sum of	10,500 00
Expenses of commission to codify highway and road laws of the state of Ohio, under authority of senate bill No. 297, 80th general assembly	3,000 00
For refunders of tax on traffic in intoxicating liquors, and uses and purposes, in accordance with provisions of H. B. No. 663, 80th general assembly	75,000 00

OHIO STATE UNIVERSITY.

Winter course in highway engineering	$1,000 00
Agricultural extension work	35,000 00
Repair of flood damages to railway	6,160 00
Emergency labor on farm due to flood	300 00

OHIO UNIVERSITY, ATHENS, OHIO.

Completion of electric light plant	$15,000 00

WILBERFORCE UNIVERSITY.

Milling machine for machine shop	$2,500 00

THE STATE EMERGENCY BOARD.

Sundry appropriations.

There is hereby appropriated the sum of $200,000.00 for the uses and purposes of the state emergency board, the same to be employed in the payment of emergency and extraordinary expenses of the various state departments and institutions in accordance with law.

STATE DEPARTMENT WORKSHOPS AND FACTORIES.

Uses and purposes of the state building code commission $3,500 00

INDUSTRIAL COMMISSION OF OHIO.

Salaries and expenses..... $2,500 00

STATE CIVIL SERVICE COMMISSION OF OHIO.

Salaries and expenses..... $15,000 00

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Partially approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
265 G.

To the General Assembly:

I am filing in the office of the secretary of state H. B. 674, carrying sundry appropriations with my approval except as to the following items, to-wit:

CONSTITUTIONAL CONVENTION.

Ella M. Scriven, salary.....	$750 00
E. S. Nichols, salary.....	750 00
I. R. Morrison, salary.....	750 00
Contingent expense	100 00
C. B. Galbreath, salary.....	750 00

There seems to be ample ground for the belief that there has been an unusual prolongation of this work and disapproval of the items is based upon that thought.

OHIO BOARD OF ADMINISTRATION.

CLEVELAND STATE HOSPITAL.

"And 6,000.00."

The appropriation bill of two years ago carried the following item under the head of Cleveland state hospital:

Sundry appropriations.

"Remodeling and addition to kitchen, complete $20,000.00."

The federal government very wisely maintains the practice of imposing a specific limitation of cost on each project. In this state, practice has given great elasticity to appropriations, and while the original item formally and legally creating the project apparently carries a sufficient appropriation to complete it, the tendency apparently is to have appropriations for the same project continuous from one session of the legislature to the other. It is in conflict with the proper methods of conducting a budget system, and apparently the only way to put an end to it is to stop the appropriations.

MISCELLANEOUS.

Board of county commissioners of Shelby county, Ohio, for the purpose of assisting Shelby county in the construction and erection of a bridge, with the necessary piers, abutments, approaches and retaining walls thereto, over and across the Loramie state reservoir and lands of the state of Ohio thereto pertaining in said Shelby county, on or about the line between sections one (1) and six (6), township eight (8), south range five (5) east, in said county, made necessary by the fact of the existence of said reservoir, and to connect the public roads now running north and south on or about said section lines to said reservoir on both sides thereof, the sum of..... $10,500 00

This again raises the question as to whether the state is not proceeding along very doubtful lines in assuming the costs of erecting bridges in various parts of the state. This question has been treated in a previous message submitted in connection with H. B. 590.

Several items are carried under the head of "Memorials," and while they are not disapproved, the observation ought to be made that the legislature has not followed precedent in providing definitely that the amount of money appropriated for each separate memorial is to constitute the sole expense to the state, and that the contract should be exacted before the projects are begun, that the cost of maintenance and replacement will be borne by the local organizations. However, this precaution can be imposed by the respective commissions to be appointed by the executive power.

JAMES M. COX,
Governor.

May 9th, 1913.

[House Bill No. 590.]

AN ACT

To make general appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit: General appropriations.

ADJUTANT GENERAL'S DEPARTMENT.

Contingent expenses	$1,500 00
Salary of card file clerk	120 00
Transportation of indigent soldiers	100 00
Magazine and ambulance sheds—state arsenal	3,000 00
For furniture and carpets necessary for use in the department of government located in the city of Columbus, Ohio	5,000 00

STATE HOUSE AND GROUNDS.

Salary of superintendent and laborers	$100 00
Salary of engineer	200 00
Salary of carpenter	300 00
Electric current for state house	5,000 00
Care and repair heating apparatus	1,000 00
Fuel for state house	2,000 00
Material and repairs	1,500 00
New cables and repair of elevator in capitol annex	300 00

OHIO NATIONAL GUARD.

Maintenance Ohio national guard	$300,000 00
State armory fund and rent	101,712 10

OHIO STATE BOARD OF AGRICULTURE.

Salary of deputy farm institute director	$1,200 00
Salary of field man in junior contest and field crop work	1,200 00
Encouragement of agriculture	7,000 00
Suppression and prevention of disease among live stock	4,000 00
Ordinary repairs and improvements on state fair grounds	1,000 00
Contingent expenses	4,000 00
Expenses of officers, employes and members of board	15,000 00
Supplementary farmers' institute work	4,000 00

General appropriations.

Apiary inspection	1,000 00
Building and equipment for serum farm	10,000 00
Exploitation and conservation of Ohio's agricultural resources	2,500 00
Roads and drainage	3,000 00
Painting buildings	1,000 00
Salaries of extra inspectors	2,000 00
Part salaries of twelve field veterinarians at $1,200 each	9,400 00
Part salaries of six stenographers, ten deputy inspectors of nurseries and orchards and eighteen laborers at serum plant	16,580 00
Equipment, maintenance and improvement of serum plant—Receipts and balances of serum fund.	
For experimental work in the control and eradication of hog cholera in special infected districts	20,000 00

ATTORNEY GENERAL.

Special counsel	$60,000 00
Special counsel—canal matters, stenographic work, etc.	3,500 00
Books	1,500 00
Stenographic work	4,500 00
Costs in cases brought by state	2,000 00
Contingent expenses	2,000 00
Traveling expenses	750 00
Investigation state treasury and other departments, etc.	8,000 00
Expenses legislative bribery and bank investigations.	1,500 00

AUDITOR OF STATE.

Salary of one chief examiner, assistant examiners, clerks and traveling expenses	$8,400 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	$3,000 00
Field work, Fort Ancient, Serpent Mound and Logan Elm Park	2,500 00
Publications.	2,300 00
Equipment of building for museum and library purposes; and walks	10,000 00
For Hayes commemorative library and museum building; to restore architectural features and for furnishings	5,000 00
For care of Spiegel Grove state park and Hayes Commemorative library and museum building.	1,650 00

For reprinting volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the society's annual publications, each member of the eightieth general assembly to be provided with five copies of each volume, one set for each of the accredited representatives of the press (36), all said volumes to be boxed and delivered under the directions and at the expense of the society	7,500 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members	$2,000 00
Contingent expenses	50 00

SUPERINTENDENT OF BANKS.

Salaries of office clerks	$1,400 00
Salaries of examiners and assistants	6,800 00
Contingent fund	1,000 00
Traveling expenses	3,800 00
Steel file cases	450 00

BOARD OF STATE CHARITIES.

Contingent expenses	$1,800 00
Expenses of board	750 00
Expenses of secretary	600 00
Expenses of board of lady visitors	600 00
Expenses of agents	3,500 00
State conference	250 00
Investigations ordered by governor	500 00
Clerks and stenographers, (no one to receive more than $1200 per year)	1,500 00

STATE BOARD OF HEALTH.

Per diem and expenses of members of board and employes	$3,500 00
Apparatus, fittings and supplies, engineering department and laboratory	2,000 00
Contingent expenses	1,000 00
Rent of offices	5,328 40
Traveling expenses, inspector of plumbing	1,000 00
Division of tuberculosis	20,000 00
Survey of occupational diseases	7,000 00

DEPARTMENT OF PUBLIC WORKS.

Salary of superintendent	$2,000 00
Traveling expenses of superintendent	100 00
Salary of secretary	1,500 00
Salary of two division engineers	4,000 00
Traveling expenses of two division engineers	1,500 00

General appropriations.

Stenographers and clerk hire	1,900 00
Salaries of ten foremen and inspectors	10,000 00
Salaries of thirty patrolmen and watchmen	12,000 00
Contingent expenses	1,000 00
Land department	7,500 00
Miami and Erie canal maintenance	20,000 00
Ohio and Erie canal maintenance	15,000 00
Traveling expenses of secretary	200 00
Traveling expenses of foremen	2,000 00
Repairs and improvements on Summit level of northern division Ohio canal	25,000 00
Constructing revetment wall along the south shore of Indian lake park	20,000 00
Constructing revetment wall along the west end of north shore of Celina grand reservoir park	10,000 00
Sewage plant $3,500.00 and Minthon lock $10,000.00 at Buckeye lake	13,500 00
To build revetment wall on east side of Lake St. Marys	37,500 00

DAIRY AND FOOD COMMISSIONER.

Expenses of commissioner	$400 00
Traveling expenses of inspector of weights and measures	1,000 00
Contingent expenses of weights and measures	500 00
Traveling expenses of inspectors of drugs, dairies and foods	18,000 00
Traveling expenses of liquor tax inspectors	7,000 00
Contingent expenses for collection of liquor tax	2,000 00
The unexpended balance appropriated for inspection and analysis be and the same is hereby re-appropriated for inspection, analysis and publication, and	11,000 00
Contingent expenses	1,000 00
Library	100 00

That whatever sums are herein specified and appropriated for the purposes of the dairy and food commissioner, state board of agriculture, the secretary of the state board of agriculture, the board of live stock commissioners, the board of control of the state agricultural experimental station, the commission of fish and game, the state board of veterinary examiners, and the state board of pharmacy; and whatever sums have been appropriated or may be appropriated for the purposes of said department shall, on and after July 15, 1913, be available for the uses and purposes of the agricultural commission of Ohio.

CHIEF EXAMINER OF STEAM ENGINEERS.

General appropriations.

Traveling expenses	$4,000 00
Contingent expenses	3,100 00

DEPARTMENT OF BOARD OF BOILER RULES.

Part salaries of four clerks at $1,200 each	$3,300 00
Part salaries of four clerks at $900 each	1,200 00
Traveling expenses	9,000 00
Contingent expenses	3,000 00

COMMISSIONERS OF FISH AND GAME.

General expense	$15,000 00
Fish hatcheries at London	1,000 00
Patrol boats, balances and	3,000 00
Inland fish propagation	1,500 00

BUREAU OF LABOR STATISTICS.

Traveling expenses of commissioner	$500 00
Part salary of clerks	540 00
Contingent expenses	14,000 00
Part salaries of five clerks at $720 each	1,600 00

COMMISSIONERS OF PUBLIC PRINTING.

$35,000.00 of the unexpended balance appropriated for the General Code be and the same is hereby re-appropriated for printing paper.	
Printing paper and supplies for the Ohio agricultural experiment station	$500 00
Part salary of clerk	300 00
Publication of highway maps	7,000 00

OHIO SOLDIERS' CLAIMS.

Contingent expenses	$200 00
For compensation to Ohio soldiers serving during the civil war under the provisions of senate joint resolution No. 76, adopted May 9, 1908	1,500 00

STATE COMMISSIONER OF COMMON SCHOOLS.

Traveling expenses of commissioner	$800 00
Traveling expenses of supervisors of agriculture	2,000 00
Salary of examiner	300 00
Contingent expenses	800 00

EXECUTIVE DEPARTMENT.

Contingent expenses, including newspapers; unexpended balance	

GEOLOGICAL SURVEY.

General appropriations.

Geological survey, receipts, balance and.....	$6,700 00
Illustrations of specimens.....	150 00

STATE HIGHWAY DEPARTMENT.

Contingent expenses, balances and.....	$2,000 00
Part salary chief clerk.....	300 00
Rent of offices.....	1,617 70
Experimental road work.....	4,000 00
State aid in road building—the appropriation in this act to the state highway department for state aid in road building, shall not be paid out by said department or used in any other manner than in new construction in counties having less than one hundred miles of macadam, gravel or brick road, and no part of such appropriation shall be paid to any county for repairs on dirt or unimproved road; but in counties having more than one hundred miles of macadam, gravel or brick road, it may be used for new construction or improvement of said roads as the county commissioners may decide, balances and..	440,000 00
Equipment.....	8,000 00
For equipping and operating laboratory for testing road building materials and for services and expenses in collecting samples of said materials.....	3,000 00
Furniture and carpets.....	200 00
Salary of secretary.....	1,800 00
Traveling expenses of commissioner, three deputies and twelve engineers; unexpended balance and.....	1,000 00
Traveling expenses of secretary.....	300 00
Salary of clerks or stenographers.....	2,200 00
Salary of four road superintendents at $1,200 each.....	4,800 00
Traveling expenses of four road superintendents.....	1,600 00
Extra clerk hire.....	300 00
Services and expenses in preparing highway map of Ohio.....	2,000 00
Salary of division engineers.....	8,500 00

CHIEF INSPECTOR OF MINES.

Traveling expenses chief inspector.....	$750 00
Salaries twelve district inspectors at $1,800 each.....	16,600 00
Part salary of two clerks.....	120 00
Traveling expenses twelve district inspectors at $900 each.....	7,800 00

Compensation for extra clerks	800 00	General appropriations.
Contingent expenses, balances and	1,200 00	
Rescue apparatus	800 00	
Inspector field supplies	100 00	

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Traveling expenses of chief inspector	$100 00
Traveling expenses of assistant chief inspectors	800 00
Traveling expenses of twenty-five inspectors	7,000 00
Traveling expenses of eight lady visitors	2,000 00
Contingent expenses	1,000 00

INSURANCE DEPARTMENT.

Contingent expenses	$2,000 00
Extra clerk hire	900 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	3,500 00
Re-appropriated from item line 306 of H. B. No. 381, specific amount for salary of warden	1,800 00
Two additional examiners necessarily required	3,900 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Salary of examiners	$11,200 00
Salary of inspector	1,800 00
Contingent expenses	400 00
Traveling expenses of inspector, examiners and deputy inspectors	4,500 00

JUDICIARY.

Expenses of common pleas judges and judges of the courts of appeals	$5,000 00

LEGISLATURE.

For expenses taking care of senate chamber, hall of the house, rooms of the president of the senate and speaker of the house, offices of the clerk of the senate and clerk of the house and committee rooms of the general assembly during year 1913	$2,000 00
Salary and mileage of members	50,000 00
Expenses of legislative committees	5,000 00
Completion of journals—house and senate	2,800 00
Contingent expenses—senate clerk	300 00
Contingent expenses—house clerk	500 00

General appropriations.

Contingent expenses of the senate	5,000 00
Contingent expenses of the house	20,000 00
Contingent expenses — maintenance of the house	2,000 00
Contingent expenses — maintenance of the senate	1,500 00
Printing enrolled bills	3,000 00

PUBLIC SERVICE COMMISSION.

Salaries, expenses, uses and purposes of the commission in accordance with the provisions of substitute house bill No. 325, 79th general assembly	$50,000 00

Receipts and balances:

SECRETARY OF STATE.

Contingent expenses	$2,500 00
Stationery fund	12,000 00
Expenses of distribution of books, reports and papers	5,000 00
Traveling expenses	100 00
Indexing	1,000 00
Clerk hire	700 00

BUREAU OF VITAL STATISTICS.

Salary of shipping clerk	$200 00
Contingent expense	8,000 00
Additional salaries of the assistant statistical clerk, now receiving $720.00, six stenographers, assistant compiling clerk, chief card operator, four assistant card operators, assistant certificate clerk and file clerk	1,380 00

STATE LIABILITY BOARD OF AWARDS.

Part of salaries of secretary, actuaries, accountants, examiners, inspectors, experts, clerks, stenographers and other assistants; traveling expenses, contingent expenses, furniture and carpets, office rent and treasurer's bond, to be known as clerical and departmental expenses	$85,000 00

STATE LIBRARY.

Salary of library assistants	$3,000 00
Books and papers	4,000 00
Contingent expenses and extra labor	1,500 00
Traveling library, receipts and	12,000 00

Expenses of commission	400 00	General appropriations.
Department library organization	2,000 00	
Salary of janitors	900 00	

SUPERVISOR OF PUBLIC PRINTING.

State printing	$60,000 00
Contingent expenses	150 00
Machinery and repairs	1,500 00
State bindery	35,000 00

SUPREME COURT AND LAW LIBRARY.

Salary of messenger, law library	$200 00
Contingent expenses, including porters	500 00
Furniture and carpets	750 00
Books and legal publications for law library	2,500 00
Additional stenographers	4,800 00

TAX COMMISSION OF OHIO.

Employes, balances and	$10,000 00
Contingent expenses	1,300 00
Traveling expenses	2,000 00
Steel file cases	400 00

TOPOGRAPHIC SURVEY.

For co-operation with the U. S. geological survey, in the preparation and completion of a contour topographic survey and map of this state, balances and	$25,000 00

To be paid upon vouchers approved by the governor, and the governor is hereby authorized to arrange for carrying on such work with the representatives of the U. S. geological survey, and he may accept or reject the work of the U. S. geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.

TREASURER OF STATE.

Contingent expenses	$3,500 00
New safe, file cases and vault alterations	2,500 00
Adding machine	400 00
Wide carriage typewriting machine	107 00

OHIO AGRICULTURAL EXPERIMENT STATION.

Administration	$30,000 00
Agronomy	14,000 00

General appropriations.

Animal husbandry	15,000 00
Botany	8,000 00
Chemistry	3,000 00
Co-operation	25,000 00
Co-operation for county agricultural agents	7,500 00
Dairy husbandry	7,000 00
Entomology	5,000 00
Forestry for propagation and distribution of trees to country districts	9,000 00
Horticulture	15,000 00
Nutrition	6,000 00
Soils	15,000 00
Furniture and carpets	200 00
Purchase of land at Germantown, unexpended balance	
Addition to administration building complete, balance and	10,000 00
Power house equipment, complete	5,000 00
Paving roads	5,000 00
Receipts from general government, unexpended balance	
Miscellaneous receipts, unexpended balance	

OHIO BOARD OF ADMINISTRATION.

Maintenance; balance and	$2,306,000 00
Ordinary repairs and improvements; balance and	326,000 00
Expenditures from the appropriation for ordinary repairs and improvements to be exempt from section 2314 of the General Code of Ohio	
Manufacturing fund	70,000 00
Specific purposes:	

CLEVELAND STATE HOSPITAL.

Construction of one building for patients, cost not to exceed $80,000.00	$40,000 00

COLUMBUS STATE HOSPITAL.

Bake shops and ovens	$20,000 00

DAYTON STATE HOSPITAL.

The girls' industrial home. For the replacement of a bridge destroyed by flood on road leading from the girls' industrial home to railroad	$20,000 00
Refrigeration plant and store room	20,000 00

TOLEDO STATE HOSPITAL.

Construction and equipment of laundry	$20,000 00
Purchase of land	10,500 00

OHIO HOSPITAL FOR EPILEPTICS.

General appropriations.

Construction of buildings for patients, cost not to exceed $210,000.00	$105,000 00
New laundry	20,000 00

INSTITUTION FOR FEEBLE-MINDED.

Construction of buildings for patients, cost not to exceed $210,000.00	$105,000 00
New laundry—custodial farm	15,000 00

OHIO STATE REFORMATORY.

Maintenance of families of those convicted of non-support	$2,500 00

OHIO PENITENTIARY.

Maintenance of families of those convicted of non-support	$7,000 00
Manufacturing fund	70,000 00

LIMA STATE HOSPITAL.

Construction, balances and	$350,000 00
Salaries of commissioners	3,000 00
Expenses of commission	1,000 00
Salary of clerk of commission	1,200 00
Salaries of superintendent of farm and assistants	1,500 00
Grading, and constructing walks and drives, balance and	15,000 00
Water supply; balance and	38,000 00
Reservoir and site; balance and	10,000 00
Fences and drainage; balance, receipts and	5,000 00
Softening plant; balance and	4,500 00
Sewage disposal plant; balance and	2,500 00
Furnishing	20,000 00
Operation	25,000 00

OHIO COMMISSION FOR THE BLIND.

Current expenses and prevention of blindness; balance and	$5,000 00
Salaries of officers, teachers and commissioners' expense; balance and	6,000 00
Industrial aid; balances and	12,000 00
Balances of former appropriations for shops, machinery, stock, working capital and assisting home workers be and the same are hereby appropriated for industrial aid.	
Receipts.	
File cases	150 00
Completing census and field work; balances, receipts and	1,000 00

OHIO REFORMATORY FOR WOMEN.

General appropriations.

Expenses, uses and purposes of commission in accordance with the provisions of senate bill No. 140, building to cost not to exceed $350,000.00 complete; receipts, balances and	$100,000 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expense	$120,000 00
Salaries of officers', teachers' and trustees' expenses	22,500 00
Ordinary repairs and improvements	12,000 00
Furniture and carpets	2,500 00
Industrial pursuits	8,000 00
Salaries of foremen and instructors	17,500 00
Religious services, amusements, library and pictures	1,500 00
Net earnings	1,800 00
Support orphans outside	2,500 00
For the purchase of the Sullivan farm	15,000 00

MIAMI UNIVERSITY.

Maintenance and equipment of normal school	$27,500 00
Apparatus and equipment for university purposes	5,500 00
Repairs and improvements of buildings and grounds	8,000 00
Uses and purposes of library	6,500 00
Summer session	8,500 00
Completion of the north pavilion of normal school building to cost not to exceed $80,000.00	20,000 00
For the extension of automatic heat regulation to additional buildings	1,250 00

OHIO UNIVERSITY, ATHENS, OHIO.

Ewing hall bonds	$5,000 00
One year's interest on $5,000, Ewing hall bonds	250 00
Apparatus and equipment for university purposes	10,000 00
Uses and purposes of library	5,000 00
Repairs and improvements of buildings and grounds	12,000 00
Maintenance and equipment of the state and normal college	20,000 00
Building for the agricultural department and the domestic science department of the state normal college; cost not to exceed $90,000.00	25,000 00

OHIO STATE UNIVERSITY.

Equipment power house	$1,000 00	General appropriations.
Equipment new library building	10,000 00	
Uses and purposes of library	10,000 00	
Extension hot water heating system	16,475 00	
Botany and zoology building and equipment; unexpended balance		
Coal and gas	25,000 00	
Repairs and upkeep buildings, grounds	12,500 00	
Water rate	7,000 00	
General budget	30,630 00	
Apparatus and equipment college of veterinary medicine	5,000 00	
Apparatus and equipment college of arts	825 00	
Apparatus and equipment college of engineering	7,000 00	
Apparatus and equipment college of agriculture	10,000 00	
Horticulture and forestry building, cost not to exceed $150,000.00	75,000 00	
Remodeling Page hall—a/c archæology	4,000 00	
Remodeling Orton hall—a/c library	2,000 00	
Incinerators for disposal of garbage	1,000 00	
Motor truck—electric	2,500 00	
New roads	1,000 00	
Sidewalks	2,000 00	
Fire protection	2,500 00	
Official milk testing for advanced registry in co-operation with dairymen	2,000 00	

Receipts and balances.

WILBERFORCE UNIVERSITY.

Current expenses	$11,000 00
Salary of secretary and trustees' expenses	750 00
Ordinary repairs and improvements	2,340 00
Industrial departments	4,500 00
Improvements and betterment of grounds	3,000 00
Drainage and sewerage	2,000 00
Farm improvement and equipment for teaching agriculture	2,500 00
Renewal of low and high pressure water lines	3,300 00
Additional equipment for heating and lighting plant	5,000 00
Two teachers' cottages	3,500 00
Extension of tunnel system to shops	5,500 00
Increase and improvement of water supply	3,200 00

Furnishing north section of girls' dormitory, complete unexpended balance.

BOWLING GREEN STATE NORMAL COLLEGE.

Salaries of teachers and officers	$6,000 00
Current expenses	4,500 00

General appropriations.

Completing administration building	41,000 00
Construction; unexpended balance	
Women's dormitory; cost not to exceed $85,000.00	40,000 00
Building for science and agriculture; cost not to exceed $100,000.00	50,000 00
Field work and extension teaching	3,000 00
Improvement and equipment of farm	2,500 00
Apparatus for agriculture, domestic science, manual training, biology, physics and chemistry	2,500 00
Library	2,000 00
Expenses board of trustees	1,500 00

KENT STATE NORMAL SCHOOL.

Salaries of officers and teachers	$45,950 00
Current expenses	8,650 00
Driveways and walks and improvements to grounds	10,000 00
Library	5,000 00
Apparatus	6,000 00
Dormitory equipment	5,000 00
Farm and experiment field	5,000 00
Field work (extension teaching)	6,000 00
Pianos and musical equipment	1,000 00
Auditorium, library, gymnasium and office building, cost not to exceed $100,000.00	50,000 00
Agricultural building and training school, cost not to exceed $100,000	50,000 00

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

Receipts and balances	

OHIO BOARD OF PHARMACY.

Investigating and prosecuting the illegal sale of cocaine and other narcotics	$2,000 00
Printing	300 00
Receipts and balances	

STATE FIRE MARSHAL.

Receipts and balances	

STATE MEDICAL BOARD.

Receipts and balances	

HEADQUARTERS GRAND ARMY OF THE REPUBLIC.

Expenses maintaining headquarters	$2,500 00

SECTION 2. That the moneys appropriated in the preceding section shall be available to pay liabilities incurred on and after February 16, 1913, but shall not in any way be expended to pay liabilities or deficiencies existing prior to February 16, 1913, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

Moneys can be used only for purpose for which appropriated.

No expenses of officers of any benevolent, penal or educational institution for attending any interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institutions, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition or voucher presented to the auditor, approved by the head of a department or by the trustees of an institution or by the members of a board or commission, or by an officer or employe of such department, institution, board or commission, specially designated by resolution or order to approve such requisitions or vouchers, a copy of which resolution or order shall be filed with the auditor of state. Such requisitions or vouchers shall set forth, in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing the competitive bids were secured or that it was an emergency requiring purchase; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of such receipts and expenditures, as may be requirel by the auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with. The auditor of state is required to withhold salaries of heads of departments and institutions until the above provisions are fully complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed for any amount herein appro-

priated. That whatever sums are herein specified and appropriated for the purposes of the state liability board of awards, state board of arbitration, chief examiner of steam engineers, department of board of boiler rules, bureau of labor statistics, chief inspector of mines and chief inspector of workshops and factories; and, whatever sums have been appropriated or may be appropriated for the purpose of said departments shall, on and after September 1st, 1913, be available for the uses and purposes of the industrial commission of Ohio.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Partially approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
266 G.

This act is temporary and special and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

May 9, 1913.

To the General Assembly:

I am filing in the office of the secretary of state house bill No. 590, an act to make general appropriations to pay liabilities incurred on and after February 16, 1913, with my approval except as to the following items, to-wit:

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

For reprinting vol. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the society's annual publications, each member of the eightieth general assembly to be provided with five copies of each volume, and one set for each of the accredited representatives of the press (36), all of said volumes to be boxed and delivered under the direction and at the expense of the society..... $7,500 00

This is a duplication of a project of two years ago, and seems to me to be needless at this time.

OHIO BOARD OF ADMINISTRATION.

CLEVELAND STATE HOSPITAL.

For the construction of one building for patients, at a cost not to exceed $80,000.00. $40,000 00

The time has come when the policy must be established and adhered to of not locating or permanently maintaining

any of the benevolent institutions where large tracts of land are not available. This will not only result in economy to the state, but will establish the curative element in the treatment of the patients. The Massillon institution, located in the northeastern part of Ohio, is operated on a smaller per capita cost than the Cleveland asylum, notwithstanding the last named concern is in most efficient hands. The difference is occasioned by the tillage of land at Massillon, while this operation is impossible at Cleveland. It is admitted that the Cleveland institution is overcrowded, but it is contended by no one that the place is properly located, and if this new building costing $80,000.00 is erected it simply delays the removal of the institution to a more advantageous point. At the earliest possible moment a project should be started by legislative enactment which will give to Cleveland not only an institution made up of modern buildings, but surrounded by fertile land where the patients can work to their own physical and mental advantage and to the profit of the state. It is false economy to continue state appropriations without regard to the admitted wisdom of an entirely new policy.

GIRLS' INDUSTRIAL HOME.

For the replacement of a bridge destroyed by flood on the road leading from the girls' industrial home to the railroad..... $20,000 00

This is a precedent the establishment of which may lead to very grave abuses. It is not the function of the state to assume any part of local expense. It may be urged that the bridge in question is used more or less by the state institution, but we should not be unmindful of the many advantages which accrue to localities in the state where these institutions have been placed.

OHIO PENITENTIARY.

Manufacturing fund $70,000 00

This is very obviously a duplication which occurs through inadvertence, as the same item is carried in the general appropriation for the board.

JAMES M. COX,
Governor.

[House Bill No. 670.]

AN ACT

To make General Appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby ap-

General appropriations.

propriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

Salary of adjutant general	$3,500 00
Salary of assastant adjutant general	2,000 00
Salary of assistant quartermaster general	2,000 00
Salary of superintendent of state arsenal	1,800 00
Salary of chief clerk	1,600 00
Salaries of six clerks at $1,200 each	7,200 00
Salary of bookkeeper	1,500 00
Contingent expenses	4,000 00
Salary of card file clerk	720 00
Transportation of indigent soldiers	200 00
Salaries of two stenographers at $900 each	1,800 00
For furniture and carpets necessary for use in the department of government located in the city of Columbus, Ohio	5,000 00

STATE HOUSE AND GROUNDS.

Salary of superintendent and laborers	$1,200 00
Salary of engineer	1,200 00
Salaries of five firemen	4,120 00
Salaries of two visitors' attendants	1,440 00
Salaries of two custodians flag room	1,440 00
Salaries of two day policemen	1,440 00
Salaries of two night policemen	1,600 00
Salaries of twelve regular laborers	8,640 00
Salary of carpenter	1,000 00
Salaries of two elevator attendants	1,440 00
Electric current for state house	10,000 00
Care and repair heating apparatus	2,000 00
Fuel for state house	4,000 00
Material and repairs	3,500 00
Flags for state house	100 00
New cables and repair of elevator in capitol annex	500 00

OHIO NATIONAL GUARD.

Maintenance Ohio national guard	$290,000 00
State armory fund	186,712 10

OHIO STATE BOARD OF AGRICULTURE.

Salary of secretary	$5,000 00
Salary of assistant secretary	2,600 00
Salary of chief clerk	1,400 00
Salary of fertilizer and feed clerk	1,400 00

Salary of deputy inspector of fertilizer and feed	1,320 00	General appropriations.
Salary of mailing clerk	1,200 00	
Salary of purchasing agent and farm supervisor	1,800 00	
Salary of superintendent of state fair grounds	1,000 00	
Salary of deputy farmer institute director	1,200 00	
Salary of field man in junior contest and field crop work	1,500 00	
Salary of bookkeeper	1,000 00	
Salary of chief inspector of nurseries and orchards	2,200 00	
Salary of chief deputy inspector of nurseries and orchards	1,200 00	
Salary of state veterinarian	3,600 00	
Salary of assistant state veterinarian	1,600 00	
Salary of chief field veterinarian	1,600 00	
Salary of specialist, tuberculosis investigations	2,000 00	
Salary of pathologist	2,400 00	
Salary of assistant pathologist	1,400 00	
Salary of stenographer and shipping clerk at serum plant	900 00	
Salary of messenger	840 00	
Encouragement of agriculture	13,000 00	
Suppression and prevention of disease among live stock	6,000 00	
Ordinary repairs and improvements on state fair grounds	4,000 00	
Contingent expenses	6,000 00	
Expenses of officers, employes and members of board	20,000 00	
Supplementary farmers' institute work	6,000 00	
Apiary inspection	2,000 00	
Building and equipment for serum farm	5,000 00	
Roads and drainage	1,000 00	
Painting buildings	1,000 00	
Salaries of extra inspectors	3,000 00	
Salaries of sixteen field veterinarians	19,200 00	
Salaries of nine stenographers	7,620 00	
Salaries of fifteen deputy inspectors of nurseries and orchards	15,120 00	
Salary of laborers at serum plant	7,000 00	

Receipts and balances.

ATTORNEY GENERAL.

Salary of attorney general	$6,500 00
Salary of first assistant attorney general	4,000 00
Salary of second assistant attorney general	2,500 00
Salary of chief clerk	1,500 00
Salary of Willis tax clerk	1,200 00
Salaries of two stenographers at $1,200 each	2,400 00
Salary of messenger	600 00
Salary of janitor	720 00

General appropriations.

Special counsel	50,000 00
Furniture, carpets and books	1,000 00
Stenographic work	6,500 00
Costs in cases brought by state	2,000 00
Contingent expenses	2,500 00
Traveling expenses	1,500 00
Investigation state treasury and other departments, etc	5,000 00

AUDITOR OF STATE.

Salary of auditor of state	$6,500 00
Salary of deputy auditor of state	3,000 00
Salary of chief clerk	2,400 00
Salary of one chief examiner, assistant examiners, clerks and traveling expenses for the examination and inspection of state departments and institutions	14,800 00
Salary of bookkeeper and sinking fund clerk	2,400 00
Salary of assistant bookkeeper and settlement clerk	1,950 00
Salary of liquor tax clerk	2,000 00
Salary of land clerk	1,500 00
Salary of filing clerk	1,600 00
Salary of secretary and cashier	1,500 00
Salary of general clerk	1,500 00
Salary of excise clerk	1,500 00
Salary of settlement clerk	1,500 00
Salary of statistical clerk	1,500 00
Salary of transcribing and record clerk	1,500 00
Contingent expenses	2,500 00
Salary of extra clerk	1,500 00
Shelving, repairs and file cases	200 00
Salary of messenger	1,000 00
Salary of janitor	600 00
Traveling expenses	1,000 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	$11,000 00
Field work, Fort Ancient, Serpent Mound and Logan Elm park	2,500 00
Publications	3,500 00
For care of Spiegel Grove state park and Hayes commemorative library and museum building	1,800 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members	$3,000 00
Salary of stenographer	720 00
Contingent expenses	100 00

SUPERINTENDENT OF BANKS.

Salary of superintendent	$5,000 00	General appropriations.
Salary of deputy superintendent	2,400 00	
Salary of chief clerk	1,800 00	
Salaries of office clerks	5,600 00	
Salaries of stenographers	1,900 00	
Rent of offices	1,700 00	
Salaries of examiners and assistants	36,750 00	
Contingent fund	2,800 00	
Traveling expenses	15,250 00	
Steel file cases	575 00	

BOARD OF STATE CHARITIES.

Salary of secretary	$2,400 00
Salary of agent	1,800 00
Salary of cashier	1,200 00
Salaries of five assistant agents at $1,500 each	7,500 00
Contingent expenses	2,000 00
Expenses of board	1,000 00
Expenses of secretary	600 00
Expenses of board of lady visitors	600 00
Expenses of agents	3,500 00
State conference	250 00
Rent of offices	1,627 50
Investigations ordered by governor	500 00
Clerks and stenographers (No one to receive more than $1,200 per year)	4,500 00

STATE BOARD OF HEALTH.

Salary of secretary	$3,500 00
Salary of assistant secretary	3,000 00
Salary of chief engineer	3,000 00
Salary of bacteriologist	3,000 00
Salary of epidemiologist	2,000 00
Salary of state inspector of plumbing	1,800 00
Salaries of four assistant engineers	4,800 00
Salaries of three laboratory assistants	4,240 00
Salary of record clerk	1,200 00
Salary of correspondence clerk	1,000 00
Salaries of three general clerks	2,160 00
Salaries of three stenographers	1,980 00
Salaries of three laboratory helpers	1,560 00
Salary of mailing clerk and messenger	660 00
Salaries of extra clerks	720 00
Per diem and expenses of members of board and employes	3,500 00
Apparatus, fittings and supplies, engineering department and laboratory	2,500 00
Contingent expenses	3,000 00
File cases	300 00

General appropriations.

Rent of offices	7,328 40
Traveling expenses, inspector of plumbing	1,200 00
Expenses of pathological work	500 00
Division of tuberculosis	20,000 00
Survey of occupational diseases	7,000 00

OHIO STATE BOARD OF PARDONS.

Salaries of members of board of pardons	$3,800 00

DEPARTMENT OF PUBLIC WORKS.

Salary of superintendent	$4,000 00
Traveling expenses of superintendent	600 00
Salary of secretary	2,000 00
Salary of two division engineers	4,000 00
Traveling expenses of two division engineers	1,500 00
Stenographers and clerk hire	2,800 00
Salaries of foremen and inspectors	12,000 00
Salaries of patrolmen and watchmen	12,000 00
Contingent expenses	2,000 00
Land department	12,000 00
Miami and Erie canal maintenance	20,000 00
Ohio and Erie canal maintenance	20,000 00
Traveling expenses of secretary	200 00
Traveling expenses of foremen	2,000 00
Repairs and improvements on Summit level of Northern division Ohio canal	15,000 00
Completion of revetment walls and general improvement Indian lake	15,000 00

DAIRY AND FOOD COMMISSIONER.

Salary of commissioner	$4,000 00
Expenses of commissioner	400 00
Salaries of two assistant commissioners at $1,200 each	2,400 00
Expenses of two assistant comissioners	1,500 00
Salary of chief inspector	2,000 00
Salary of chief clerk	1,200 00
Salaries of two clerks	2,200 00
Salaries of extra clerks and inspectors	2,000 00
Salary of chief inspector of weights and measures	1,500 00
Traveling expenses of inspectors of weights and measures	2,000 00
Contingent expenses of weights and measures	500 00
Salaries of two inspectors of drugs at $1,200 each	2,400 00
Salaries of two inspectors of dairies at $1,200 each	2,400 00
Traveling expenses of inspectors of drugs, dairies and foods	25,000 00

Inspection, analyses and publication	30,000 00
Contingent expenses	2,000 00
Library	50 00
Expenses of delegates to national food and national weights and measures conventions.	350 00
Salaries of five inspectors of foods at $1,200 each	6,000 00
Salaries of two assistant inspectors of weights and measures	2,200 00

Whatever sums herein specified and appropriated for the purpose of the dairy and food commissioner, state board of agriculture, the secretary of the state board of agriculture, the board of live stock commissioners, the board of control of the state agricultural experiment station, the commission of fish and game, the state board of veterinary examiners, and the state board of pharmacy; and whatever sums have been appropriated or may be appropriated for the purposes of said departments shall, on and after July 15th, 1913, be available for the uses and purposes of the agricultural commission of Ohio.

CHIEF EXAMINER OF STEAM ENGINEERS.

Salary of chief examiner	$3,000 00
Salary of assistant chief examiner	1,800 00
Salaries of ten district examiners at $1,500 each	15,000 00
Salaries of clerks, two at $1,200 and one at $1,000	3,400 00
Traveling expenses	4,000 00
Contingent expenses	4,000 00

DEPARTMENT OF BOARD OF BOILER RULES.

Salaries of four members of board at $1,000 each	$4,000 00
Salary of chief examiner of steam engineers and chief inspector of steam boilers	1,200 00
Salary of assistant chief inspector of steam boilers	3,000 00
Salaries of ten general inspectors of steam boilers at $1,800 each	18,000 00
Salary of clerk of board	1,800 00
Salaries of four clerks at $1,200 each	4,800 00
Salaries of three clerks at $900 each	2,700 00
Traveling expenses	8,000 00
Contingent expenses	4,500 00
Rent	900 00

COMMISSIONERS OF FISH AND GAME.

General appropriations.

General expense	$20,000 00
Fish hatcheries at London, improvements	1,000 00
Fish hatcheries at London	2,500 00
Patrol boats, balances and	5,000 00
Inland fish propagation	3,500 00

BUREAU OF LABOR STATISTICS.

Salary of commissioner	$3,000 00
Traveling expenses of commissioner	500 00
Salary of chief clerk	1,500 00
Salary of stenographer	900 00
Salaries of three clerks	2,700 00
Contingent expenses	18,000 00
Employment offices—	
Salaries of five superintendents at $1,500 each	7,500 00
Salaries of five clerks	3,600 00

COMMISSIONERS OF PUBLIC PRINTING.

Printing paper	$50,000 00
Clerk of printing commission	900 00
Printing paper and supplies for the Ohio agricultural experiment station	1,500 00

Publication of highway maps; unexpended balance.

OHIO SOLDIERS' CLAIMS.

Salary of commissioner	$2,500 00
Salaries of two clerks at $720 each	1,440 00
Contingent expenses	200 00
For compensation to Ohio soldiers serving during the civil war under the provisions of senate joint resolution No. 76, adopted May 9, 1908	500 00

STATE COMMISSIONER OF COMMON SCHOOLS.

Salary of commisioner	$4,000 00
Traveling expenses of commissioner	400 00
Salaries of two school inspectors at $2,000 each	4,000 00
Traveling expenses of two school inspectors at $750 each	1,500 00
Salaries of four supervisors of agriculture at $2,000 each	8,000 00
Traveling expenses of supervisors of agriculture	4,000 00
Salary of chief clerk	1,750 00
Salary of examiner	1,800 00
Salary of statistician	1,400 00
Salary of stenographer	780 00

Salary of correspondence clerk	720 00
Salary of messenger and shipping clerk	720 00
Per diem and expenses of state board of school examiners	750 00
Contingent expenses	1,800 00
Publication and distribution of arbor day annual	500 00

EXECUTIVE DEPARTMENT.

Salary of governor	$10,000 00
Salary of lieutenant governor	1,500 00
Salary of secretary to the governor	5,000 00
Salary of executive clerk	3,000 00
Salary of commission clerk	1,500 00
Salary of corresponding clerk	1,500 00
Contingent expenses, including newspapers	5,000 00
Furniture and carpets	1,000 00

GEOLOGICAL SURVEY.

Geological survey, receipts, balance and	$7,000 00
Illustrations of specimens	150 00

STATE HIGHWAY DEPARTMENT.

State aid in road building, receipts and balances of an act "To provide for the registration, identifications and regulation of motor vehicles," passed May 9, 1908, and acts amendatory and supplementary thereto.

One-third of the revenue paid into the state treasury under an act "To provide for registration, identification and regulation of motor vehicles," passed May 8, 1908, and acts amendatory and supplementary thereto, including H. B. No. 549, 80th general assembly, entitled "An act to amend sections 6290, 6294, 6295, 6298, 6299, 6300, 6301, 6302, 6309, 12613 and 12614 of the General Code, relating to motor vehicles.

The proceeds of all money collected under the one-half mill levy as provided for by house bill No. 134, passed by the 80th general assembly of the state of Ohio, entitled "An act providing a levy and to create a fund for the purpose provided in the act passed May 31, 1911, entitled "An act creating a highway department, etc.

CHIEF INSPECTOR OF MINES.

General appropriations.

Salary of chief inspector	$3,000 00
Traveling expenses chief inspector	900 00
Salaries 12 district inspectors, at $1,800 each	21,600 00
Traveling expenses 12 district inspectors at $900 each	10,800 00
Salary of chief clerk	1,200 00
Salary of stenographer	900 00
Salaries of extra clerks	1,900 00
Salary of rescue car attendant	1,200 00
Expense of rescue car attendant	600 00
Contingent expenses	1,500 00
Rescue apparatus	800 00
Inspector field supplies	100 00

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of chief inspector	$3,000 00
Traveling expenses of chief inspector	800 00
Salary of assistant chief inspector	2,500 00
Salary of second assistant chief inspector	2,000 00
Traveling expenses of assistant chief inspectors	1,300 00
Salary of high explosive inspector	2,000 00
Salaries of twenty-two district and two bakeshop inspectors at $1,200 each	28,800 00
Traveling expenses of twenty-five inspectors	16,000 00
Salaries of eight lady visitors, $1,200 each	9,600 00
Traveling expenses of eight lady visitors	4,500 00
Salary of chief clerk	1,800 00
Salary of statistician	1,500 00
Salary of clerk	1,200 00
Salaries of three stenographers	2,520 00
Contingent expenses	1,500 00
Rent of offices—Columbus	1,680 00
Rent of offices—Cleveland and Cincinnati	480 00

INSURANCE DEPARTMENT.

Salary of superintendent	$6,000 00
Salary of deputy superintendent	2,400 00
Salary of actuary	3,000 00
Salaries of chief clerk, examiner, statistician, bookkeeper, correspondence clerk, first assistant actuary, second assistant actuary, assistant examiner, assistant statistician, license clerk, mailing clerk, extra clerks and janitor	21,000 00
Salary of warden	2,000 00
Contingent expenses	2,000 00

Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	5,500 00
Two additional examiners necessarily required	3,900 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Salary of inspector and supervisor of bond investment companies	$3,600 00
Salary of inspector	1,800 00
Salaries of deputies, clerks and examiners	23,650 00
Salary of janitor	300 00
Contingent expenses	600 00
Traveling expenses of inspector, examiners and deputy inspectors	7,250 00

JUDICIARY.

Salaries of judges	$540,000 00
Expenses of common pleas judges and judges of courts of appeals	5,000 00

LEGISLATURE.

Salary and mileage of members, per diem of clerks, sergeant at arms and other officers and employes of the general assembly	$160,000 00
Expenses of legislative committees	2,000 00
Contingent expenses—senate clerk	300 00
Contingent expenses—house clerk	500 00
Contingent expenses of the senate	5,000 00
Contingent expenses of the house	5,000 00
For expenses taking care of senate chamber, hall of the house, rooms of the president of the senate and speaker of the house, offices of the clerk of the senate and clerk of the house and committee rooms of the general assembly during year 1914	2,000 00
Contingent expenses—maintenance of house	1,500 00
Contingent expenses—maintenance of senate	1,000 00
Printing enrolled bills, balance and	1,000 00
For the clerk of the senate and house	6,000 00
For payment of the sergeant-at-arms of senate	500 00
For payment of the sergeant-at-arms of the house	500 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Prosecution and transportation of convicts to Ohio penitentiary, Ohio state reformatory, and boys committed to boys' industrial school	$150,000 00

THE PUBLIC SERVICE COMMISSION.

General appropriations.

Salaries of commissioners	$18,000 00
Salaries, expenses, uses and purposes of the commission in accordance with the provisions of substitute house bill No. 325, 79th general assembly	57,000 00

Receipts and balances.

SECRETARY OF STATE.

Salary of secretary of state	$6,500 00
Salary of assistant secretary of state	3,000 00
Clerk hire	22,780 00
Indexing	1,000 00
Contingent expenses	2,500 00
Stationery fund	10,000 00
Expenses of distribution of books, reports and papers	5,000 00
Traveling expenses	100 00

BUREAU OF VITAL STATISTICS.

Salary of state registrar	$2,000 00
Salary of chief statistician	1,500 00
Salary of statistical clerk	840 00
Salaries of two assistant statistical clerks, one at $840 and one at $780	1,620 00
Salary of editor	1,350 00
Salary of inspector	1,500 00
Salaries of six stenographers at $780 each	4,680 00
Salary of compiling clerk	900 00
Salary of assistant compiling clerk	780 00
Salary of chief card operator	780 00
Salaries of four assistant card operators at $780 each	3,120 00
Salary of chief certificate clerk	900 00
Salary of assistant certificate clerk	780 00
Salary of file clerk	780 00
Salary of shipping clerk	1,200 00
Salary of messenger	480 00
Contingent expense	9,000 00

STATE LIABILITY BOARD OF AWARDS.

Salaries of members of board	$15,000 00
Salaries of secretary, actuaries, accountants, examiners, inspectors, experts, stenographers and other assistants; traveling expenses, contingent expenses, and expenses for furniture and carpets, office rent and treasurer's bond, to be known as clerical and departmental expenses	150,000 00

STATE LIBRARY.

General appropriations.

Salary of librarian	$3,000 00
Salary of assistant librarian	1,200 00
Salary of library assistants	7,000 00
Salary of assistant secretary and stenographer	900 00
Salary of document clerk	960 00
Books and papers	5,000 00
Contingent expenses and extra labor	4,000 00
Traveling library, receipts and	17,000 00
Expenses of commission	500 00
Department library organization	4,000 00
Salary of janitors	1,400 00

LEGISLATIVE REFERENCE DEPARTMENT.

Salaries of director, assistant directors, librarians, assistant librarians and draft men	$9,000 00
Stenographic, messenger and janitor service	2,600 00
Books, periodicals, stamps and library supplies	2,250 00
Contingent expenses	800 00

SUPERVISOR OF PUBLIC PRINTING.

Salary of supervisor	$2,000 00
Typewriting	300 00
State printing	75,000 00
Contingent expenses	450 00
Machinery and repairs	1,000 00
State bindery	50,000 00
Rent	6,300 00
Heat, light and power	600 00

SUPREME COURT AND LAW LIBRARY.

Salary of marshal and law librarian	$2,500 00
Salary of assistant librarian and chief clerk	1,800 00
Salary of assistant librarian	1,200 00
Salary of first deputy marshal	1,350 00
Salary of second deputy marshal	1,200 00
Salary of third deputy marshal	1,000 00
Salary of stenographers	7,000 00
Salary of messenger, law library	1,200 00
Contingent expenses, including porters	5,500 00
Furniture, carpets and repairs	1,000 00
Books and legal publications for law library	4,000 00
For painting and repairs, the unexpended balance in the fund for ventilating court rooms and corridors.	

CLERK OF SUPREME COURT.

Salary of clerk	$4,000 00
Salary of first deputy clerk	1,800 00

General appropriations.

Salary of second deputy clerk	1,500 00
Salary of correspondence clerk	1,200 00
Salary of messenger, janitor and contingent expenses	1,500 00

REPORTER OF SUPREME COURT.

Salary of reporter	$4,000 00
Contingent expenses	2,000 00

TAX COMMISSION OF OHIO.

Salaries of commission	$15,000 00
Employes	44,100 00
Contingent expenses	3,000 00
Rent of offices	4,500 00
Traveling expenses	5,000 00
Steel file cases	1,000 00

TOPOGRAPHIC SURVEY.

For co-operation with the U. S. geological survey, in the preparation and completion of a contour topographic survey and map of this state, balances and	$25,000 00

To be paid upon vouchers approved by the governor, and the governor is hereby authorized to arrange for carrying on such work with the representatives of the U. S. geological survey, and he may accept or reject the work of the U. S. geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of the appropriation.

TREASURER OF STATE.

Salary of treasurer of state	$6,500 00
Salary of eight clerks	14,440 00
Night watchmen	1,800 00
Contingent expense	3,500 00
Steel file cases	100 00
Premium on bond of treasurer of state	1,800 00

OHIO AGRICULTURAL EXPERIMENT STATION.

Administration	$40,000 00
Agronomy	18,000 00
Animal husbandry	20,000 00
Botany	10,000 00
Chemistry	5,000 00
Co-operation	30,000 00
Co-operation for county agricultural agents	7,500 00
Dairy husbandry	10,000 00

Entomology	8,000 00	General appropriations.
Forestry	7,000 00	
Forestry for propagation and distribution of trees to county districts	5,000 00	
Horticulture	20,000 00	
Nutrition	8,000 00	
Soils	20,000 00	
Furniture and carpets	500 00	
Purchase of land at Germantown, unexpended balance		
Paving roads	5,000 00	
Receipts from general government		
Miscellaneous receipts		

OHIO BOARD OF ADMINISTRATION.

Maintenance	$3,416,000 00
Ordinary repairs and improvements, balance and	418,750 00
Manufacturing fund, receipts, balances and	60,000 00
Purchase of land	35,000 00

CLEVELAND STATE HOSPITAL.

Construction of one building; balance and	40,000 00

HOSPITAL FOR EPILEPTICS.

Construction of building; balance and	105,000 00

INSTITUTION FOR FEEBLE MINDED.

Construction of building; balance and	105,000 00

REFORMATORY.

Maintenance of families of those convicted of non-support	2,500 00

PENITENTIARY.

Maintenance of families of those convicted of non-support	7,000 00

LIMA STATE HOSPITAL.

Construction; receipts and	$75,000 00
Salaries of commissioners	3,000 00
Expenses of commission	1,000 00
Salary of clerk of commission	1,200 00
Salaries of superintendent of farm and assistants	1,500 00
Farm improvements, balances and receipts	

General appropriations.

Constructing, walks, drives, and improvements to grounds	5,000 00
Operation	50,000 00
Furnishing	20,000 00

OHIO COMMISSION FOR THE BLIND.

Current expenses and prevention of blindness, balances and	$9,000 00
Salaries of officers, teachers and commissioners' expense, balances and	10,000 00
Industrial aid, balances and	18,000 00
File cases	100 00
Completing census and field work, balances and	1,000 00

Receipts.

OHIO REFORMATORY FOR WOMEN.

Expenses, uses and purposes of commission in accordance with the provisions of senate bill No. 140, building to cost not to exceed $350,000.00 complete; receipts, balances and	$50,000 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expense	$150,000 00
Salaries of officers, teachers and trustees' expenses	32,500 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets, balance	
Industrial pursuits	8,000 00
Salaries of foremen and instructors	17,500 00
Religious services, amusements, library and pictures	2,000 00
Net earnings	1,800 00
Support orphans outside	1,000 00

MIAMI UNIVERSITY.

Maintenance and equipment of normal college	$27,500 00
Apparatus and equipment for university purposes	5,500 00
Repairs and improvements of buildings and grounds	8,000 00
Uses and purposes of library	5,000 00
Summer session	8,500 00
Completion of north pavilion of normal college building, to cost $80,000	40,000 00
For extension of automatic heat regulation to additional buildings	1,250 00
Remodeling, enlarging and re-equiping Herron gymnasium	5,000 00

OHIO UNIVERSITY, ATHENS, OHIO.

General appropriations.

Apparatus and equipment for university purposes	$10,000 00
Uses and purposes of library	5,000 00
Repairs and improvements of buildings and grounds	12,000 00
Maintenance and equipment of the state normal college	35,000 00
Summer session	10,000 00
Building for the agricultural department and the domestic science department of the state normal school; cost not to exceed $90,000	65,000 00

OHIO STATE UNIVERSITY.

Additional farm lands and improvements	$42,000 00
Equipment power house	15,000 00
Equipment new library building	10,000 00
Uses and purposes of library	20,000 00
Extension hot water heating system	7,280 00
Summer session	10,000 00
Graduate school	2,500 00
Coal and gas	26,000 00
Repairs and upkeep buildings, grounds	28,000 00
Water rate	7,000 00
General budget	35,000 00
Apparatus and equipment college of veterinary medicine; balances	
Apparatus and equipment college of education	500 00
Apparatus and equipment college of arts	935 00
Apparatus and equipment college of engineering	12,000 00
Apparatus and equipment college of agriculture	10,000 00
Botany and zoology building equipment	15,000 00
Horticulture and forestry building	75,000 00
Horticulture and forestry building equipment	15,000 00
Remodeling cattle building—dairy wing	1,000 00
Freight house and kiln room	12,200 00
Woodworking machinery for repair shops	1,600 00
New roads	1,000 00
Sidewalks	2,000 00
Winter course in highway engineering	1,000 00
Fire protection	2,500 00
Biological survey in co-operation with Ohio colleges	2,500 00
Official milk testing for advanced registry in co-operation with dairymen	2,500 00
Agricultural extension work	35,000 00
Sheep building	5,000 00
Dormitory for Lake laboratory	2,500 00

WILBERFORCE UNIVERSITY.

General appropriations.

Current expenses	$15,000 00
Salary of secretary and trustees' expenses	750 00
Ordinary repairs and improvements	4,500 00
Industrial departments	6,250 00
Improvement and betterment of grounds	2,500 00
Drainage and sewerage	1,500 00
Cement floors and walks	400 00
Two teachers' cottages	3,000 00
Moving and remodeling building	1,500 00
Woodworking shop	5,000 00
Softening plant	1,500 00
Furnishing north section of girls' dormitory complete, unexpended balance	

BOWLING GREEN STATE NORMAL SCHOOL.

Salaries of teachers and officers $37,500.00 raised by a special levy and appropriated and	$16,500 00
Current expenses	9,500 00
Women's dormitory	45,000 00
Building for science and agriculture	50,000 00
Heating plant	20,000 00
Heating plant tunnel system	5,000 00
Equipment for administration building	15,000 00
Field work and extension teaching	5,000 00
Improvements and repairs	2,000 00
Improvement and equipment of farm	4,000 00
Apparatus for agriculture, domestic science, manual training, biology, physics and chemistry	6,000 00
Library	3,000 00
Dormitory equipment	8,000 00
Music equipment, pianos	1,500 00
Expenses board of trustees	1,500 00

KENT STATE NORMAL SCHOOL.

Salaries of teachers and officers, $37,500.00 raised by a special levy and appropriated, and	$18,500 00
Current expenses	9,000 00
Driveways, walks and improvements to grounds	8,000 00
Library	4,000 00
Apparatus	3,000 00
Farm and experiment field	3,000 00
Field work (extension teaching)	6,000 00
Pianos and musical equipment	1,000 00
Auditorium, library, gymnasium and office building	50,000 00
Agricultural building and training school	50,000 00
Power house and equipment	20,000 00
Power house connection with four buildings	5,000 00
Expenses board of trustees	1,500 00

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

Receipts and balances.....		

OHIO BOARD OF PHARMACY.

Investigating and prosecuting the illegal sale of cocaine and other narcotics.....	$3,000 00	General appropriations

THE STATE LIQUOR LICENSING BOARD.

Salaries of three commissioners.....	$15,000 00
Salary of secretary.....	3,000 00
Salary of one clerk.....	1,500 00
Salary of two stenographers, $1,000 each.....	2,000 00
Rent	800 00
Contingent fund.....	1,000 00
Traveling expenses of commissioners.....	2,000 00
Salaries of twelve inspectors for collection of liquor tax, at $1,300.00 each.....	15,600 00
Traveling expenses of liquor tax inspectors..	10,000 00
Contingent expense for collection of liquor tax	5,000 00
Salaries of eighty-six commissioners of county liquor licensing boards.....	140,500 00
Salaries of clerks, secretaries and stenographers for same.....	40,000 00
Rent of offices in forty-three counties.....	15,000 00
Contingent fund.....	10,000 00
Traveling expenses of commissioners of county liquor licensing boards.....	7,000 00
Receipts and balances.....	

STATE FIRE MARSHAL.

Receipts and balances.....	

STATE MEDICAL BOARD.

Receipts and balances.....	

HEADQUARTERS GRAND ARMY OF THE REPUBLIC.

Expenses maintaining headquarters.....	$2,500 00

THE STATE EMERGENCY BOARD.

There is hereby appropriated the sum of $200,000.00 for the uses and purposes of the state emergency board, the same to be employed in the payment of emergency and extraordinary expenses of the various state departments and institutions in accordance with law.

THE STATE CIVIL SERVICE COMMISSION OF OHIO.

For salaries, expenses, uses and purposes of the commission, $30,000.00.

How appropriations shall be expended.

SECTION 2. That the moneys appropriated in the preceding section shall be available to pay liabilities incurred on and after February 16, 1914, but shall not in any way be expended to pay liabilities or deficiencies existing prior to February 16, 1914, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

No expenses of officers of any benevolent, penal or educational institution for attending any interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition or voucher presented to the auditor, approved by the head of a department or by the trustees of an institution or by the members of a board or commission, or by an officer or employe of such department, institution, board or commission, specially designated by resolution or order to approve such requisitions or vouchers, a copy of which resolution or order shall be filed with the auditor of state. Such requisitions or vouchers shall set forth, in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and time of service, and showing the competitive bids were secured or that it was an emergency requiring purchase; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of such receipts and expenditures, as may be required by the auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and

Manner of disbursement.

it shall be the duty of the auditor of state to see that these provisions are complied with. The auditor of state is required to withhold salaries of heads of departments and institutions until the above provisions are fully complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed for any amount herein appropriated.

Moneys available for use of industrial commission.

SECTION 4. Sums herein specified and appropriated for the purposes of the state liability board of awards, state board of arbitration, chief examiner of steam engineers, department of board of boiler rules, bureau of labor statistics, chief inspector of mines and chief inspector of work-shops and factories; and, whatever sums have been appropriated or may be appropriated for the purpose of said departments shall, on and after September 1, 1913, be available for the uses and purposes of the industrial commission of Ohio.

This act is temporary and special and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Partially approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
267 G.

To the General Assembly:

I am filing in the office of the secretary of state H. B. 670, to make general appropriations, with my approval, with the following exceptions:

OHIO BOARD OF ADMINISTRATION.

CLEVELAND STATE HOSPITAL.

Construction of one building, balance and.... $40,000 00

Disapproval of the item which initiated this project was carried in connection with H. B. 590.

JAMES M. COX,
Governor.

May 9, 1913.

[Senate Bill No. 152.]

AN ACT

To establish an engineering experiment station at the Ohio State University.

Be it enacted by the General Assembly of the State of Ohio:

Section 7961-1.

SECTION 1. That the board of trustees of the Ohio state university be, and are hereby authorized and required

Establishment of engineering experiment station at O. S. U.

to establish an organization to be known as the engineering experiment station of the Ohio state university, to be affiliated and operated in connection with the college of engineering.

Section 7961-2.

Purposes of station.

SECTION 2. The purpose of the station shall be to make technical investigations and to supply engineering data which will tend to increase the economy, efficiency and safety of the manufacturing, mineral, transportation and other engineering and industrial enterprises of the state, and to promote the conservation and utilization of its resources.

Section 7961-3.

Board of trustees shall have control; administrative and fiscal officers, terms.

SECTION 3. The station shall be under the control of the board of trustees of the university, through the regular administrative and fiscal officers. The board shall appoint a director on recommendation of the president of the university. There shall be an advisory council of seven members, appointed by the board of trustees, of which council the director shall be ex-officio a member, and chairman, said director and the other six members to be chosen from the faculty of the college of engineering. The terms of these members shall be for three years, except that when first organized, two members shall be appointed for one year, two members for two years, and two for three year terms respectively. It shall be the duty of the director and advisory council to select suitable subjects for investigation, apportion the available funds, and provide for the dissemination of the results to the people of the state.

Section 7961-4.

Laboratories and equipment of college available for use.

SECTION 4. The various laboratories of the college of engineering and the equipments shall be available for the use of the engineering experiment station, provided always that their use for instruction and research in the regular work of the college shall take precedence over their use by the station. The director of the station shall have authority to procure for temporary or permanent use such additional equipment as may be needed, and install the same in the laboratories of the college or elsewhere.

Section 7961-5.

Station shall not be conducted for gain or advertisement of O. S. U.

SECTION 5. The engineering experiment station shall not be conducted for the private or personal gain of any one connected with it, or for the financial advantage of the Ohio state university as an organization, or for the sole benefit of any individual, firm or corporation.

Assistance to departments, boards, etc., of the state shall be preferred.

Any commission, board, bureau or department of the state, or any institution owned by the state, may seek assistance of the engineering experiment station, and such requests shall have precedence over all other outside requests. The advisory council of the engineering experiment station is, however, empowered to decline such requests or to require that the expense of such investigations shall be borne in part or in whole by the commission, board, bureau, or department of state, or institution owned by the state, making such requests.

Individual, firm, etc., may have assistance.

Any individual, firm, or corporation may seek the assistance of the engineering experiment station; the advisory council of said station is, however, empowered to decline to

render such assistance or to require that any expense incidental to such assistance shall be borne in part or in whole by the individual, firm or corporation seeking such assistance, and the advisory council of the engineering experiment station is further authorized at its option to publish the results of such investigations.

The sectional numbers on the margin hereof are designated as provided by law.

Nothing in this bill shall be construed as in any way limiting the powers of the advisory council of the engineering experiment station to carry on lines of investigation upon its own initiative.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
268 G.

[Senate Bill No. 153.]

AN ACT

To amend sections 2, 14, 15, 16, 18, 20 and 23 of the act of May 31, 1911 (102 Ohio Laws 494), being sections 1058-7, 1058-19, 1058-20, 1058-21, 1058-23, 1058-25 and 1058-28 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2, 14, 15, 16, 18, 20 and 23 of the act of May 31, 1911 (102 Ohio Laws 494), be amended to read as follows:

Section 1058-7. What steam boilers shall be inspected.

Sec. 2. All steam boilers and their appurtenances, except boilers of railroad locomotives subject to inspection under federal laws, portable boilers used in pumping, heating, steaming and drilling, in the open field, for water, gas and oil, and portable boilers used for agricultural purposes, and in construction of and repairs to public roads, railroads and bridges, boilers on automobiles, boilers of steam fire engines brought into the state for temporary use in times of emergency for the purpose of checking conflagrations, boilers carrying pressure of less than fifteen pounds per square inch, which are equipped with safety devices approved by the board of boiler rules, and boilers under the jurisdiction of the United States, shall be thoroughly inspected, internally and externally, and under operating conditions at intervals of not more than one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned. And shall be equipped with such appliances to insure safety of operation as shall be prescribed by the board of boiler rules.

Section 1058-19.

Notice to prepare boiler for inspection; duty of inspector.

Sec. 14. The owner or user of a boiler required to be inspected shall, after due notice, prepare the boiler for internal and external inspection at the appointed time, by drawing the water from the boiler and removing the manhole and hand-hole plates and thoroughly cleaning the boiler and its setting. The inspector of steam boilers shall give such owner or user at least fourteen days' notice to prepare the boiler for his inspection, but shall not be required to give notice for inspection under operating conditions. It shall be the duty of the inspector when making inspections under operating conditions to observe the pressure of steam carried, the general condition of each boiler, to ascertain if the safety valve and the appliances for indicating the pressure of steam and level of water in the boiler are in proper working order. No person shall remove or tamper with any safety appliances prescribed by the board of boiler rules, and no person shall in any manner load the safety valve to a greater pressure than that allowed by the certificate of inspection. If in the judgment of the inspector it is advisable to apply a hydrostatic pressure test to the boiler, the owner or user shall prepare the boiler for such test, as directed by the inspector.

Section 1058-20.

Report to chief inspector and certificate to owner.

Sec. 15. If, upon making the internal and external inspection, the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, upon his report to the chief inspector of steam boilers, the chief inspector shall issue to the owner or user thereof, a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate for one year from the date of inspection, unless such certificate shall be sooner withdrawn.

When certificate withdrawn or withheld.

If an inspector at any inspection finds that the boiler is not in safe working condition, or is not provided with the fittings necessary to safety, or if the fittings are improperly arranged, he shall immediately notify the owner or user and person in charge of the boiler and shall report the same to the chief inspector of steam boilers, and shall withdraw or withhold such certificates until the boiler and its fittings are put in condition to insure safety of operation, and the owner or user shall not operate the boiler, or permit it to be operated until such certificate has been granted or restored.

Appeal to chief inspector.

If the owner or user of any boiler disagrees with the inspector as to the necessity for shutting down a boiler or for making repairs or alterations in it, or taking any other measures for safety that may be requested by an inspector, the owner or user may appeal from the decision of the inspector to the chief inspector of steam boilers, who may, after such other inspection by a general inspector or special inspector, as the chief inspector may deem necessary, decide the issue and his decision shall be final.

Nothing in the act and no inspection or report by any inspector shall relieve the owner or user of a steam boiler of the duty of using due care himself in the inspection, operation and repair of said boiler or of any liability for damages for his failure to inspect or repair or operate said boiler safely.

Section 1058-21. Sec. 16. The certificate of inspection shall state the name of the owner or user, the location, size and number of each boiler, the date of inspection, and the maximum pressure at which the boiler may be operated, the name of the person that made the inspection, and of the chief inspector of steam boilers, and shall also contain such quotations from the statutes as shall be deemed necessary by the board of boiler rules, and shall be so placed as to be easily read in the engine room or boiler room of the plant where the boiler is located, except that the certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times.

What certificate of inspection shall state.

The owner or user of a steam boiler herein required to be inspected shall pay to the chief inspector of steam boilers the sum of one dollar for each certificate issued.

Section 1058-23. Sec. 18. All boilers installed after January 1, 1912, shall be inspected when installed. A boiler installed in this state prior to July 1, 1912, which does not conform to the rules of construction formulated by the board of boiler rules, may be used after a thorough internal and external inspection, and if the inspector deems it necessary, a hydrostatic test, and after a certificate has been issued by the chief inspector. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules. No certificate of inspection shall be granted on any boiler installed after July 1, 1912, which does not conform to the rules formulated by the board of boiler rules.

Inspection when installed; test of those formerly installed.

No certificate of inspection shall be granted on any boiler installed after July 1, 1913, which has not been thoroughly inspected during construction and upon completion, by either a general or special inspector, and which does not conform in every detail with the rules formulated by the board of boiler rules, and distinctly stamped, under such rules as may be formulated by the board of boiler rules, upon completion, with the words Ohio Standard, abbreviated to read "OHIO STD." by such inspector, who shall not be directly or indirectly interested in the manufacture or sale of steam boilers.

Stamping inspected boilers.

Section 1058-25. Sec. 20. The owner or user of a boiler herein required to be inspected shall pay to the chief inspector upon inspection five dollars for each boiler internally and externally inspected, and two dollars for each boiler inspected while in operation. When the fee is collected by a general inspector he shall give receipts for the same, and shall forward the fee with his report of the inspection, to the chief inspector of steam boilers. Provided, however, that not more than eight dollars shall be collected in any one year

Fees for inspection.

on each such boiler, unless additional inspections are required by the owner or user of same, or unless the boiler has been inspected and a certificate has been refused, withdrawn or withheld, or unless an additional inspection is required because of the change or location of a stationary boiler.

The fee for complete inspection during construction on boilers manufactured within the state of Ohio, shall be ten dollars. Boiler manufacturers other than those located in Ohio may secure inspection on work during construction, upon application to the chief inspector, and upon payment of a fee of ten dollars, plus the necessary traveling and hotel expenses incurred by the inspector.

Section 1058-28.

Penalty for violations of act.

Sec. 23. Whoever being the owner, or operator of any steam boiler, herein required to be inspected, operated the same in violation of any provision of the law or of any rule promulgated by the board of boiler rules, and approved by the governor, or without having the same inspected and a certificate issued therefor as provided in this act, or who hinders or prevents a duly qualified inspector from entering any premises in or on which a steam boiler is situated for the purpose of inspection, shall be fined not less than twenty dollars nor more than five hundred dollars.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That sections 2, 14, 15, 16, 18, 20 and 23 of the act of May 31, 1911, being sections 1058-7, 1058-19, 1058-20, 1058-21, 1058-23, 1058-25 and 1058-28 of the General Code, be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
269 G.

[Senate Bill No. 104.]

AN ACT

To compel milk dealers to have name indelibly indicated upon containers and to repeal section 13169 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 13169.

Refilling milk or cream bottle having name of another blown therein.

SECTION 1. Whoever fills or re-fills with milk, cream or other milk product, a glass jar or bottle having the name of a person, firm, corporation or association blown therein, with intent to sell such milk, cream or other milk product, shall be fined not more than one hundred dollars. This section shall not apply to a person, firm or corporation whose name is blown in such glass jar or bottle, or to a member

of an association the name of which association is blown in such glass jar or bottle, or any authorized agent or employe of such person, firm, corporation or member of such association, or to the owner of such glass jar or bottle, or to any person authorized by the owner thereof to use said glass jar or bottle.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That section 13169, General Code, be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
270 G.

[Senate Bill No. 56.]

AN ACT

To regulate the circulation of initiative, supplementary and referendum petitions.

Be it enacted by the General Assembly of the State of Ohio:

Section 5175-29c. SECTION 1. Any person, or persons, or any society, league or association of persons, or officers thereof, formed for any purpose whatsoever, or any firm, company, corporation, or any organization whatsoever or officers thereof, who pay any person, or persons, any sum of money, or give anything of value for signing any initiative, supplementary or referendum petitions, shall be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than one hundred dollars, and be imprisoned not less less than ten days nor more than three months, or both.

Giving money or value for signing petitions prohibited; penalty.

Section 5175-29d. SECTION 2. Any person who accepts any money, or other thing of value, for signing any initiative, supplementary or referendum petition shall, upon conviction therefor, be fined not less than ten dollars nor more than one hundred dollars, and be imprisoned not less than ten days, nor more than three months, or both.

Accepting money or value for signing petitions prohibited.

Section 5175-29e. SECTION 3. Any person, persons, association, society, league or corporation circulating any initiative, supplementary or referendum petitions, shall within ten days after the election at which the proposition embodied in such initiative, supplementary or referendum petition is voted upon, file a sworn itemized statement showing in detail all moneys or things of value paid or given or promised for circulating such petitions and the names of all persons, firms, associations, societies, leagues or corporations to whom such payments and promises were made.

Statement showing payments for circulating petitions.

Such statement shall contain the full name and address of the persons, firms or corporations who contributed any moneys or things of value to be used toward the circulations of such petitions.

Where filed.

In statewide elections the above named statement shall be filed with the secretary of state; in all other elections such statement shall be filed with the board of deputy state supervisors of elections of the county in which the election is held.

Such statement shall be open to public inspection and shall be retained in such office for a period of one year.

Penalty.

Failure to comply with the provisions of this section shall be punished by a fine of not less than ten nor more than one hundred dollars or imprisoned not less than ten days nor more than three months, or both.

Section 5175-29f.

SECTION 4. This act shall not be a bar to prosecutions against any person, society, league, association, or officers thereof, or firm, company, corporation, or organization of whatsoever kind or officers thereof, for any violations of the corrupt practices act, or other acts to prevent corruption of elections, or of the electorate.

Act no bar to prosecutions.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 12th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
271 G.

[Senate Bill No. 241.]

AN ACT

Requiring certain information to be reported to the industrial commission of Ohio by certain employers of female labor.

Be it enacted by the General Assembly of the State of Ohio:

Section 871-53a.

SECTION 1. Every person, partnership or corporation engaged in the operation of any mercantile establishment within the state of Ohio and employing five or more female employes in or about said establishment shall make a report in writing to the industrial commission of Ohio within thirty days after the taking effect of this act, which report shall contain the following information with reference to female employes on the date of the taking effect of this act, viz.:

Report of female employes by mercantile establishments.

(1) The total number of female employes employed in or about said mercantile establishment.

(2) The number of such female employes under the age of eighteen years.

(3) The name of each female employed in or about such mercantile establishment.

(4) The age of each female employed in or about such mercantile establishment.

(5) The number of hours per day each female is employed in or about such mercantile establishment.

(6) The number of hours per week each female is employed in or about such mercantile establishment.

(7) The wages per week paid to each female employed in or about such mercantile establishment.

(8) The class or kind of employment in or at which each female is employed in or about such mercantile establishment.

(9) Such other information relative to the hours of employment and wages paid to such female employes as may be required by the industrial commission of Ohio.

Section 871-53b. SECTION 2. It shall be the duty of the industrial commission of Ohio to prepare and furnish free of charge to all employers described in section one hereof, who make application therefor, forms and blanks suitable for making the reports required herein.

Blank forms.

Section 871-53c. SECTION 3. Any employer mentioned in section one hereof, who fails or neglects to make the report required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than fifty dollars; and each day of the failure of such person, partnership or corporation to make such report as herein required shall constitute a separate and distinct offense and shall be punished accordingly.

Penalty for failure to make report.

Section 871-53d. SECTION 4. Any person, partnership or corporation required by this act to make a report provided for in section one hereof, who shall knowingly make a false statement with reference to any of the matters or things required by this act to be included in said report, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars.

False statement; penalty.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
272 G.

[Senate Bill No. 296.]

AN ACT

To amend section 12 of the act of the general assembly of Ohio, passed March 12, 1913, approved March 18, 1913, filed in the office of the secretary of state March 20, 1913, entitled "An act creating the industrial commission of Ohio, superseding the state liability board of awards, abolishing the department of commissioner of labor statistics, chief inspector of workshops and factories, chief examiner of steam engineers, board of boiler rules and state board of arbitration and conciliation, merging certain powers and duties of said departments in and transfering certain powers and duties of said departments to said industrial commission of Ohio, and granting such commission certain other powers, and repealing sections 872, 873, 874, 876, 877, 878, 879, 880, 881, 883, 884, 897, 898, 900, 902, 903, 908, 979, 981, 983, 984, 986, 987, 988, 993, 1001, 1028-4, 1038, 1039, 1042, 1043, 1044, 1046, 1058, 1058-6, 1058-9, 1058-13, 1058-14, 1058-15, 1058-27, 1059, 1060, 1061, 1062, 1078, of the General Code," and to repeal sections 1465-38 and 1465-39 of the General Code of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 871-12.

SECTION 1. That section 12 of the act of the general assembly of Ohio, passed March 12, 1913, approved March 18, 1913, filed in the office of the secretary of state March 20, 1913, entitled "An act creating the industrial commission of Ohio, superseding the state liability board of awards, abolishing the departments of commissioner of labor statistics, chief inspector of mines, chief inspector of workshops and factories, chief examiner of steam engineers, board of boiler rules and state board of arbitration and conciliation, merging certain powers and duties of said departments in and transferring certain powers and duties of said departments to said industrial commission of Ohio, and granting such commission certain other powers, and repealing sections 872, 873, 874, 876, 877, 878, 879, 880, 881, 883,884, 897, 898, 900, 902, 903, 908, 979, 981, 983, 984, 986, 987, 988, 993, 1001, 1028-4, 1038, 1039, 1042, 1043, 1044, 1046, 1058, 1058-6, 1058-9, 1058-13, 1058-14, 1058-15, 1058-27, 1059, 1060, 1061, 1062, 1078 of the General Code" be amended so as to read as follows:

Industrial commission shall supersede the state liability board of awards; powers and duties.

SECTION 12. The industrial commission shall supersede and perform all of the duties of the state liability board of awards, provided in and by the act of the general assembly of the state of Ohio passed the thirty-first day of May, 1911 (102 O. L., 524) entitled, "An act to create a state insurance fund for the benefit of injured and the dependents of killed employes and to provide for the administration of such fund by a state liability board of awards", and all amendments to said act, and by the act of the general assembly passed February twenty-sixth, 1913, approved March 14, 1913, and filed in the office of the secretary of state March 17, 1913, entitled "An act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and

disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1467-75, 1465 76, 1465-77, 1465-78, 1465-79 of the General Code", on and after the first day of September, 1913; and said commission on and after the first day of September, 1913, as successor of the said liability board of awards, shall be vested with and assume and exercise all powers and duties cast by law upon said liability board of awards, and on the first day of September, 1913, the term of office of the members constituting the said state liability board of awards of Ohio shall cease and terminate, together with all rights, privileges and emoluments connected therewith.

Repeals.

SECTION 2. That original section 12 of said act of the general assembly of Ohio, passed March 12, 1913, approved March 18, 1913, filed in the office of the secretary of state March 20, 1913, entitled "An act creating the industrial commission of Ohio, superseding the state liability board of awards, abolishing the departments of commissioner of labor statistics, chief inspector of mines, chief inspector of workshops and factories, chief examiner of steam engineers, board of boiler rules and state board of arbitration and conciliation, merging certain powers and duties of said departments in and transferring certain powers and duties of said departments to said industrial commission of Ohio, and granting such commission certain other powers, and repealing sections 872, 873, 874, 876, 877, 878, 879, 880, 881, 883, 884, 897, 898, 900, 902, 903, 908, 979, 981, 983, 984, 986, 987, 988, 993, 1001, 1028-4, 1038, 1039, 1042, 1043, 1044, 1046, 1058, 1058-6, 1058-9, 1058-13, 1058-14, 1058-15, 1058-27, 1059, 1060, 1061, 1062, 1078 of the General Code," and sections 1465-38 and 1465-39 of the General Code, be and the same are hereby repealed from and after September 1st, 1913.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
273 G.

[Senate Bill No. 112]

AN ACT

To authorize state institutions and municipalities to contract for sewer connections.

Be it enacted by the General Assembly of the State of Ohio:

Section 1809-1. Contract with municipality for sewer connections.

SECTION 1. Any commission or board vested with authority to erect or manage a state institution, located outside of the corporate limits of a municipality and the council of such municipality may enter into a contract upon such terms and conditions as may be agreed upon, to connect the sewer system of such institution with that of such municipality. Such contract may include payment for the increased cost to such municipality occasioned by such connection and service rendered, provided that such contract shall be made for a period of not less than ten years, and is approved by the governor and the attorney general.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
247 G.

[Senate Bill No. 227.]

AN ACT

To establish a budget system for state officers, departments and institutions.

Be it enacted by the General Assembly of the State of Ohio:

Section 270-1. Biennial estimate of money needed by departments, institutions, etc.

SECTION 1. On or before the fifteenth day of November, biennially, in the even numbered years, the several departments, institutions, commissions and officers of the state shall report on blanks furnished for such purpose, an estimate in itemized form to the governor, stating the amount of money needed for their wants for the biennial period beginning with the first day of July thereafter.

Section 270-2. Biennial statements to be furnished by auditor of state.

SECTION 2. On or before the fifteenth day of November biennially in the even numbered years the auditor of state shall furnish to the governor the following statements:

1. A statement showing the balance standing to the credit of the several appropriations for each department, institution, commission and office of the state, and for each and every current purpose of the state government, at the end of the last fiscal year.

2. A statement showing monthly revenues and expenditures from each appropriation account in the twelve

months, and the monthly revenues and expenditures from all the appropriation accounts in the twelve months of the last fiscal year.

3. A statement showing the annual revenues and expenditures of each appropriation account for each year of the last four fiscal years in which any appropriation account has existed.

4. A statement showing the monthly average of such expenditures from each of the several appropriation accounts for the last fiscal year, and also the total monthly average from all of them for the last four fiscal years.

Section 270-3. SECTION 3. The departments, institutions, commissions and officers of the state upon request shall forthwith furnish to the governor any information desired in relation to the affairs of their respective departments, institutions or officers.

Departments, etc., shall furnish information to governor.

Section 270-4. SECTION 4. At the beginning of each regular session of the general assembly the governor shall submit to the general assembly, together with the estimate of such departments, institutions, commissions and officers of the state, his budget of current expenses of the state for the biennial period beginning on the first day of July next thereafter.

Governor shall submit budget to general assembly.

Section 270-5. SECTION 5. At any time the governor may appoint competent, disinterested persons to examine, without notice, the affairs of any department, institution, public works, commission or office of the state for the purpose of ascertaining facts, and to make findings and recommendations relative to increasing the efficiency and curtailing the expense therein. In connection with such examinations, the governor or such appointees may compel attendance and testimony of witnesses, administer oaths and examine such persons as they deem necessary, and compel the production of books and papers. The orders and subpoenas issued by the governor or by such appointees in pursuance of the authority in them vested by the provisions of this section may be enforced, on the application of the governor, by any court of common pleas by proceedings in contempt therein as provided by law. The governor may fix the compensation of such appointees or any of them and cause the same together with their necessary traveling expenses to be paid out of any appropriation made by the general assembly for the executive department.

Examination of departments, etc., by appointees of the governor.

Powers of appointees.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
275 G.

[Senate Bill No. 237.]

AN ACT

To permit the alumni of the Ohio state university to present to the state a building or buildings to be used as dormitories in connection with said university, and to authorize the trustees of the Ohio state university to enter into a contract for such purpose.

Be it enacted by the General Assembly of the State of Ohio:

Section 7950-2.

Permission to the alumni of O. S. U. to present dormitory buildings and authorize trustees to enter into contract for such purpose.

SECTION 1. The board of trustees of the Ohio state university is hereby authorized to enter into a contract with any incorporated association of alumni of said university whereby such association shall be permitted to erect upon the campus of said university, and upon a site to be designated by said board of trustees, a suitable building or buildings to be used as dormitories for students and members of the faculty of the university. Such contract may provide that the legal title to such building or buildings shall remain in such association, and that the same shall be subject to mortgage or other encumbrance by such association; that the necessary repairs on such building or buildings shall be made by the trustees of the Ohio state university and paid for out of any appropriation made by the general assembly for such purposes; and that the control and management of such building or buildings shall be vested in such association, subject to such disciplinary regulations as may be provided by said board of trustees. Such contract shall, however, provide that upon the payment of the indebtedness of such association, incurred in the erection and equipment of such building or buildings and the discharge of such building or buildings from liens or encumbrances, the legal title to such building or buildings, and any and all appurtenances thereof, and furniture and equipment therein, shall pass to and be vested in the state. The purpose of this section is to authorize the said trustees to permit the alumni of the Ohio state university to present to the state a building or buildings, and furniture and equipment for the aforesaid purposes, and to adopt such plans and financial arrangements as may be, within the limitations hereinbefore set forth, appropriate therefor.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
276 G.

[Senate Bill No. 226.]

AN ACT

To establish a fiscal year, to provide that the balances of appropriations remaining unexpended at the close of such period shall revert to the state treasury, and to repeal section 260 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 260-1. SECTION 1. For all state officers, departments, commissions, boards and institutions of the state the fiscal year shall be and is hereby fixed to begin on the first day of July in each year and to end on the last day of June of the succeeding year, and all annual reports from such departments, commissions, boards and institutions of the state shall be made as of those dates.

Beginning of fiscal year.

Section 260-2. SECTION 2. On the last day of June of the second year for which a biennial appropriation shall be made, all balances of appropriations made for that biennial period to any state officer, department, commission, board or institution of the state which shall remain unexpended, shall revert to the specific funds from which they have been appropriated.

Balances of appropriations shall revert.

Section 260-3. SECTION 3. It shall be the duty of the finance committee of the house of representatives of the general assembly last in regular session before the last day of June of the second year of the biennium, to report to the house an appropriation bill, reappropriating to each state officer, department, commission, board and institution of the state, for the period of one calendar month after the aforesaid last day of June, all unexpended balances standing to the credit of such state officer, department, commission, board or institution on the last day of June of the second year for which a biennial appropriation was made. Unexpended balances so reappropriated shall only be used to liquidate liabilities incurred and unpaid prior to the last day of June of the biennium. Upon the expiration of the aforesaid calendar month for which such unexpended balances may have been appropriated, any balances which shall not have been used to liquidate liabilities incurred and unpaid prior to the last day of June of the biennium, shall revert to the specific funds from which they were originally appropriated.

Duty of house finance committee concerning appropriations.

Use of unexpended balances.

Section 260-4. SECTION 4. Such state officers, departments, commissions, boards and institutions of the state as are required by law to submit annual reports to the governor of state, or to other persons, bodies, boards or commissins, shall prepare and submit to the governor or such other persons, bodies, boards or commissions, on the first day of July, 1915, or soon thereafter as is practicable, partial reports for the period covered between the date of the closing of the fiscal year formerly in force for such state officers, departments, boards and other institutions and June 30th, 1915. The

Time of submitting reports of state officers and departments.

governor, or other persons, bodies, boards or commissions to whom such partial report shall be made shall use their proper discretions as to the publication of such partial reports.

SECTION 5. Section 260 of the General Code on and after July 1st, 1915, shall be and is hereby repealed.

Section 260-5.

SECTION 6. This act shall take effect and be in force on and after June 30th, 1915.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
277 G.

[Senate Bill No. 191.]

AN ACT

Authorizing the board of trustees of the Ohio state university to establish a university extension division.

Be it enacted by the General Assembly of the State of Ohio:

Section 7955-1.

Authority to establish university extension division; purposes.

SECTION 1. The board of trustees of the Ohio state university is hereby authorized and directed to establish and organize a university extension division for the purpose of carrying on educational extension and correspondence instruction throughout the state. The board of trustees is authorized to carry on such extension work in connection with any department of the Ohio state university, for the purpose of the development throughout the state of centers for the discussion, consideration and investigation relative to the mining, manufacturing, engineering, social, industrial, economic, medical and civic interests of the state and all other public interests which may be in any way prompted or subserved in the spreading of information throughout the state by any department of the Ohio state university, that now exists or may be hereafter established, pursuant to the grant by virtue of which said university was created and established.

Section 7955-2.

Further purposes.

SECTION 2. The board of trustees of the university, through the university extension division, shall encourage communities to organize for the purpose of social, educational, scientific and recreational advantage, and shall cooperate with them and in every way contribute to the efficiency of the efforts of such communities for these purposes. To this end, as far as practicable, the extension division shall be placed at the service of educational, industrial or

civic institutions, organizations and associations, and invite their active co-operation in matters relating to the civic, scientific, economic and social welfare of the citizens of the state.

Section 7955-3. SECTION 3. The board of trustees of the Ohio state university is authorized to carry on, under the supervision of such university extension division, such discussions, investigations, experiments and demonstrations as it may deem advisable for the improvement of the engineering, mining, manufacturing, social, medical, scientific, industrial, economic and civic interests, and such other public interests of the state as may in any way be promoted or subserved by any department of the Ohio state university which now exists or which may hereafter be established, and for such purposes it may provide traveling instructors and conduct correspondence instruction and teaching. It is further provided that any common carrier is authorized and empowered to carry persons employed in such demonstrations, experiments and discussions, and the equipment therefor, and the traveling lecturers and instructors provided for in this act, free, or at reduced rates.

Supervise and carry on discussions, investigations, etc., of questions of public interest.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
278 G.

[Senate Bill No. 258.]

AN ACT

To supplement an act entitled "An act relating to the preparation of a code of regulations to govern the erection and maintenance of public and other buildings, passed May 10, 1910 and as supplemented by an act passed May 31, 1911.

WHEREAS, The secretary of the state board of health, state fire marshal and chief inspector of workshops and factories, acting co-jointly, have been unable within the time alloted to fully complete a code of regulations as provided by the act to which this is supplementary, and the appropriation for such purpose is depleted; and

WHEREAS, Said secretary of the state board of health, state fire marshal and chief inspector of workshops and factories, have made a partial report of their labors and find it necessary to ask for more time in which to complete the code of regulations aforesaid; now, therefore,

Be it enacted by the General Assembly of the State of Ohio:

Code of regulations to govern the erection of public and other buildings.

SECTION 1. That the secretary of the state board of health, state fire marshal and chief inspector of workshops and factories, be and they are hereby empowered and required, acting conjointly, to continue their work of completing a code of regulations as is provided in said original act, to which this is supplementary, and cause their completed work to be submitted to the next session of the general assembly and to that end they may employ such assistants as they deem necessary; provided, however, that the total expense incurred in the employment of such assistants shall not exceed the sum of $4,000.00.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
279 G.

[Senate Bill No. 150.]

AN ACT

To authorize the county commissioners of Jefferson county to appropriate and pay two thousand dollars to the Stanton monument association of Steubenville, Ohio, for constructing monuments and beautifying court house grounds.

Be it enacted by the General Assembly of the State of Ohio:

Jefferson county commissioners authorized to make appropriation for certain purposes.

SECTION 1. That the county commissioners of Jefferson county, Ohio, are hereby authorized to appropriate and pay to the Stanton monument association of Steubenville, Ohio, the sum of two thousand dollars, to be expended by said association in the construction and dedication of proper monuments for the marking, in Jefferson county, of localities of historical interest in relation to the raid made through the state of Ohio by the confederate general, John H. Morgan, in July of 1863, and also in relation to the site of Fort Steuben.

In improving and beautifying the court house grounds in Steubenville, Ohio, by the procuring, locating and dedicating, cannon for the ornamenting of the statue of the great war secretary, Hon. Edwin M. Stanton, in accordance with the plans and specifications for the same as adopted by said association.

SECTION 2. That when said monuments and cannon are located and dedicated, the care, custody and control

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

thereof shall vest in said county commissioners and their successors in office.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed February 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
280 L.

[Senate Bill No. 295.]

AN ACT

Relative to the admission of children of members of the Ohio National Guard who lost their lives in the floods of 1913, into the Soldiers' and Sailors' Orphans' Home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of the Ohio soldiers' and sailors' orphans' home, Xenia, Ohio, are hereby authorized and directed to receive into such home the children of all members of the Ohio national guard whose lives were lost in the course of duty, or were permanently disabled, during the floods of March and April, 1913, on the same basis and subject to the same laws as other children are admitted to such institution.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

Children of certain deceased members of O. N. G. admitted.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
281 G.

[Senate Bill No. 292.]

AN ACT

To authorize the board of county commissioners of Preble county, Ohio, to pay the sum of $500.00 for the relief of the flood sufferers of Dayton, Ohio.

WHEREAS, On the 26th day of March, 1913, an appeal was made to the citizens of Preble county, Ohio, and to the county commissioners of said county, for immediate help for the flood sufferers of Dayton, Montgomery county,

Ohio; that West Dayton was shut off from the outside world except the town of Eaton, from which immediate supplies must come to preserve the life and health of said people of Dayton.

WHEREFORE, To save the lives and sufferings of said people of Dayton the said board of county commissioners of Preble county, Ohio, which board was then in session, passed a resolution authorizing the expenditure out of the county fund of said county, through the relief committee, the sum of not to exceed five thousand dollars; and

WHEREAS, Said committee, in pursuance of said order, did expend the sum of five hundred dollars for said relief purposes; and

WHEREAS, a question has been raised as to the legal authority of the auditor of said county to issue his warrant on the treasurer of the county to pay for said provisions so purchased and contracted for by said relief committee; therefore

Be it enacted by the General Assembly of the State of Ohio:

Preble county commissioners authorized to pay for supplies.

SECTION 1. That the board of county commissioners of the county of Preble, in the state of Ohio, be, and they are, hereby authorized to pay for said supplies so bought, out of the county fund of said county the said sum of five hundred dollars.

SECTION 2. Upon the order of the board of county commissioners of said county the auditor of said county is hereby authorized to issue his warrant on the treasurer of said county, and the treasurer of said county is hereby authorized to pay said warrant.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
282 L.

[Senate Bill No. 283.]

AN ACT

To correct a mistake in the description of a certain parcel of land as contained in an act passed April 1st, 1890, an entitled "An Act to authorize the governor to execute a deed conveying certain land in Belmont county, Ohio, to the children and heirs at law of Joseph Carle, deceased," by authorizing the governor to execute and deliver a deed or deeds to the present owners effecting such correction.

WHEREAS, The general assembly of Ohio, by an act passed April 1st, 1890, and entitled "An act to authorize

the governor to execute a deed conveying certain land in Belmont county, Ohio, to the children and heirs at law of Joseph Carle, deceased," (87 Ohio Laws, pages 124 and 125) authorized and directed the governor of Ohio to execute a deed conveying in fee simple to Moriah Shipman, Mary E. Fulton, Noah B. Carle, Sarah J. Irwin, Belle Carle, Josephine Carle, G. G. Carle, J. W. Carle, Eliza A. Carle, and Daniel W. Carle, (children and heirs at law of Joseph Carle, deceased,) a certain parcel of land situate in the township of York, county of Belmont, and state of Ohio, and being a part of section number sixteen (16), township number four (4), of range number three (3), and known and designated on plat and survey of said section number sixteen (16) as lot number three (3), and containing one hundred and ninety-one (191) acres and one hundred and thirteen (113) perches, which parcel of land had been theretofore purchased from the state of Ohio by one George Meek, Jr., by whom it had been sold to said Joseph Carle; and

WHEREAS, Said act contains a description of said parcel of land by metes and bounds, which is erroneous in that it begins at the northwest corner of said section number sixteen (16) and runs "thence west", when it should run "thence east", which error occurred through a mistake of inadvertence, and which error likewise appears in the deed executed by the governor pursuant to said act; and

WHEREAS, Said real estate is now owned by one Robert Johnson, except the coal underlying the surface of said real estate, which said coal and mining rights incident thereto are now owned by the Ohio River and Western Coal Company, an Ohio corporation, which said owners are entitled to have said error corrected; now, therefore

Be it enacted by the General Assembly of the State of Ohio:

Conveyance to children and heirs of Joseph Carle; corrected description.

SECTION 1. That the governor of the state be and he is hereby authorized and directed, with the approval of the attorney general, to execute and deliver, on behalf and in the name of the state, deed or deeds in such form as shall be approved by the attorney general for said parcel of land, according to the correct description thereof, by metes and bounds, which said correct description is as follows, to-wit: A part of section number sixteen (16), township number four (4), of range number three (3) situate in the township of York, county of Belmont, and state of Ohio, known and designated on plat and survey of said section number sixteen (16) as lot number three (3), beginning for the same at the northwest corner of said section sixteen (16), thence east one hundred and sixty-one (161) poles to a marked white oak tree; thence south one hundred and sixty-one (161) poles to the southwest corner of lot number two (2) in said section; thence west eighty-five (85) poles to a beech tree standing in a spring run; thence down said run south, fifty-four and one-half (54 1-2) degrees west, seventeen and twenty hundredths

(17.20) poles to a beech tree; thence south, thirty-five (35) degrees west, twenty-seven and forty-four hundredths (27.44) poles to a sugar tree; thence south, twenty-eight (28) degrees west, twenty-nine (29) poles to a walnut tree; thence south, forty-nine (49) degrees west, eighteen (18) poles to a white walnut tree; thence south, seventy (70) degrees west, twenty (20) poles to an ash tree; thence south, seventy-four (74) degrees west, thirteen and thirty-six hundredths (13.36) poles to a post on the west boundary of said section, from which a sugar tree twenty (20) inches in diameter bears north, three (3) degrees east, thirty-seven (37) poles; and running thence north two hundred and eighty-four (284) poles to the place of beginning; containing one hundred and ninety-one (191) acres and one hundred and thirteen (113) perches of land.

Said deed or deeds shall be made to said Robert Johnson, his heirs and assigns forever, and said the Ohio River and Western Coal Company, its successors and assigns forever, according to their respective interests, in said parcel of land, and shall recite that the purpose is to cure the error above mentioned.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
283 G.

[Senate Bill No. 291.]

AN ACT

To authorize and empower the city of Cincinnati to compensate William H Bell for personal injuries sustained by him on September 22nd, 1905.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That, whereas, on the 22nd day of September, 1905, William H. Bell, a guard at the Cincinnati workhouse, was instructed to open a box of fulminating caps, and in so doing, without fault on his part, the said caps exploded and blew off Bell's left hand, destroyed the right eye entirely and injured the left eye to the extent of seven-tenths (7/10); lacerated his chest, and has rendered him utterly incapable of earning his living, and

WHEREAS, The said Bell is the father of four minor children.

Authority to pay William H. Bell for personal injury.

SECTION 2. That the council of the city of Cincinnati are hereby authorized and empowered to allow and order paid to the said Bell, William H. Bell, out of the general

fund of the city, not otherwise appropriated, not to exceed the sum of ten thousand ($10,000.00 dollars, as reimbursement for such injury, and upon such allowance by the city council the auditor of the city of Cincinnati is authorized and directed to draw his warrant on the treasurer of said city for the amount so allowed, and the treasurer of the city of Cincinnati, Ohio, is authorized and directed to pay the same.

This act is temporary and does not require sectional numbering in the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 3. This act shall take effect and be in force from and after its passage.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
284 L.

[Senate Bill No. 290.]

AN ACT

To authorize and empower the city of Cincinnati to compensate John W. Forbes for personal injuries sustained by him January 18th, 1912.

WHEREAS, On the eighteenth day of January, 1912, John W. Forbes, a citizen of Cincinnati, Ohio, while lawfully and without any fault on his part, was while attempting to cross West Seventh street at its intersection with Race street, upon the regular crossing, in Cincinnati run over and very severely and permanently injured by the team of a fire marshal of said city who was hurrying to a fire; and

WHEREAS, It has been held by the supreme court of Ohio, that in such cases the injured person can have no relief as a matter of law against the city; and

WHEREAS, It is just that Mr. Forbes should in some way have relief for his injuries thus suffered.

Be it enacted by the General Assembly of the State of Ohio:

Authority to pay John W. Forbes for personal injury.

That the city of Cincinnati by its council or other proper authority, be and it is authorized and empowered to pay to the said John W. Forbes such reasonable amount of money not exceeding one thousand dollars as may be just and proper as a just reparation for the injury he has sustained, and the said city of Cincinnati may pay the same out of the general fund of the city, not otherwise appropriated and upon such allowance by the city council the auditor of the city of Cincinnati is authorized and di-

rected to draw his warrant on the treasurer of said city for the amount allowed, and the treasurer of the city of Cincinnati, Ohio, is authorized and directed to pay the same.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
285 L.

[Senate Bill No. 9.]

AN ACT

To provide for the appointment of a commission for the erection of public halls in cities.

Be it enacted by the General Assembly of the State of Ohio:

Section 4345-1. Appointment of commission; powers and duties.

SECTION 1. When a city has in contemplation the construction of a public hall, the mayor of such city may appoint a commission consisting of the mayor, the director of public service, and three electors of the city, subject to the approval of the board of control of such city. Such commissioners may contract, in the name of the city, for and supervise the building and furnishing of such public hall, and, subject to like approval, may acquire the necessary lands for such purpose, either by purchase or appropriation, in the name of the city in the manner provided by law. The commission shall adopt plans and specifications for erecting, building and furnishing such public hall. Such commission may appoint a secretary and other necessary employes and, subject to the approval of the council of the city, fix their compensation. The commission shall serve without compensation. The expenses of the commission shall be paid in like manner as the costs of such public hall. Except as herein otherwise provided, the making of and terms of all contracts for the construction and furnishing of such public halls shall be governed by the laws relating to public buildings in cities.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
286 G.

[Senate Bill No. 111.]

AN ACT

To amend sections 7, 8, 12, 14, 15 and 16 of an act entitled "An act to establish a reformatory for women and to provide for the management thereof," approved May 18, 1911, and to repeal section 9 of said act.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7, 8, 12, 14, 15 and 16 of an act entitled "An act to establish a reformatory for women and to provide for the management thereof," approved May 18, 1911, be amended so as to read as follows:

Sec. 7. The board, in the erection of all buildings herein provided for shall be governed in all respects by the provisions of law relating to the erection of public buildings, but shall not enter into any contract for the erection of buildings until the money therefor has been appropriated by the general assembly; provided that the board may arrange with any state penal institution to prepare such building material as can be satisfactorily done thereat; and provided further that the board may arrange with the board of administration for use of the labor of such convicts as may be assigned to the building site for specific purposes, and provided further that in either case the plans and specifications shall exempt such work done or materials prepared by labor of convicts from competitive bidding.

Contracts shall not be made until money appropriated.

Section 2148-2. Sec. 8. When he deems it advisable, the governor shall direct the Ohio board of administration to assume the control and management of the reformatory. The general laws relating to state institutions shall govern said board insofar as applicable, except as herein provided, and except such board shall not be required to select and appoint a superintendent for said institution.

Control and management.

Section 2148-6. Sec. 12. Female persons over sixteen years of age found guilty of a misdemeanor by any court of this state shall be sentenced to the Ohio reformatory for women and be subject to the control of the Ohio board of administration, but all such persons shall be eligible to parole under the provisions of this act.

Females over sixteen guilty of misdemeanor.

Section 2148-8. Sec. 14. Upon the completion of the Ohio reformatory for women and the issuance of the proclamation hereinbefore provided for, the governor shall issue an order to the warden of the Ohio penitentiary to convey and deliver to the Ohio reformatory for women all females in his legal custody, except any who may be convicted of murder in the first degree, without recommendation for mercy, and at the same time, said warden shall deliver to the chief matron of said reformatory all papers relating to the commitment of said females. All females so transferred from the Ohio penitentiary to said reformatory shall be entitled to the same legal rights and privileges as to term of sentence, diminution of sentence and parole as if confined in the Ohio penitentiary, and the warden of the Ohio penitentiary

What prisoners in penitentiary shall be transferred; inmates of girls' industrial home.

shall also furnish complete information concerning all females on parole, and such paroled prisoners shall thereupon become subject to the control of the Ohio board of administration.

Upon written order of the Ohio board of administration, any inmate of the girls' industrial home, over fourteen years of age, may be transferred to the Ohio reformatory for women, when such inmate appears to be incorrigible, or whose presence in the girls' industrial home seems to be seriously detrimental to the well being of the institution; and such transferred persons shall be entitled to the same privileges; relating to discharge and condition of parole, as they possessed when inmates of the girls' industrial home.

Section 2148-9.

Suspension of sentence.

Sec. 15. All provisions of law relating to suspension of sentences of persons sentenced to confinement in the Ohio penitentiary and the Ohio state reformatory shall be applicable to persons sentenced to the Ohio reformatory for women.

Sentence and term of imprisonment.

Courts imposing sentences to the Ohio reformatory for women shall make them general, and not fixed or limited in their duration. The term of imprisonment of persons shall be terminated by the Ohio board of administration as authorized by this act, but the term of such imprisonment for felony shall not exceed the maximum term nor be less than the minimum term provided by law for the crime for which such person is sentenced. In case of commitments for misdemeanor or delinquency the term of such imprisonment shall not be more than three years, but such person shall be eligible for parole as follows: Persons committed for the first time, after imprisonment for two months; for second time, after four months; for third or greater time, after six months; and provided that they shall be continued upon parole for at least one year before receiving final discharge.

Sentence for definite period not void.

If, through oversight or otherwise, a sentence to said reformatory should be for a definite period, it shall not for that reason be void, but the person so sentenced shall receive the benefits and be subject to the liabilities of this act in the same manner as if she had been sentenced in the manner required by law. In such case the Ohio board of administration shall deliver to each person a copy of this act and written information of her relations to them.

Section 2148-10.

Rules and regulations regarding paroles.

Sec. 16. The Ohio board of administration shall establish rules and regulations under which persons in the Ohio reformatory for women may be allowed to go on parole in legal custody, under the control of the board and subject to be taken back into the inclosure of the reformatory. A person shall not be eligible to parole and an application for such parole shall not be considered by the board until such prisoner has been recommended as worthy of such consideration by the chief matron and chaplain of the reformatory, provided, that no female sentenced to imprisonment for life shall be eligible to parole within five years from admission.

Where there is a reasonable probability that the prisoner's release or parole will not be incompatible with the welfare of society and the board deem it best, it may grant absolute release to such prisoner. Nothing herein contained, however, shall impair the power of the governor to grant a pardon or commutation in any case.

The sectional numbers on the margin hereof are designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 7, 8, 12, 14, 15 and 16, and section 9 of aforesaid act be and the same are hereby repealed. Repeals.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
287 G.

[Senate Bill No. 188.]

AN ACT

To establish a court of common pleas in each county of the state and to repeal certain acts providing for the election of common pleas judges.

Be it enacted by the General Assembly of the State of Ohio:

Section 1532. SECTION 1. There shall be a court of common pleas in each county of the state, held by one or more judges, residing therein and elected by the electors thereof. Each judge shall hold office for six years, and his successor shall be elected at the election in the even numbered year next preceding the expiration of his term. Each judge heretofore elected as a judge of a common pleas district shall, after the year 1914, serve as a judge of the common pleas court of the county of which he was a resident at the time of his election. Court of common pleas in each county; judges' qualifications, election, term.

The times for the next election of common pleas judges in the several counties and for the beginning of their terms, shall be as follows: Times for the election of judges in the counties and the beginning of terms.

In Adams county, in 1914, one judge, term to begin February 9, 1915.

In Allen county, in 1914, one judge, term to begin February 9, 1915.

In Ashland county, in 1914, one judge, term to begin February 9, 1915.

In Ashtabula county, in 1918, one judge, term to begin February 9, 1919.

In Athens county, in 1918, one judge, term to begin February 9, 1919.

In Auglaize county, in 1914, one judge, term to begin January 11, 1915.

Times for the election of judges in the counties and the beginning of terms.

In Belmont county, in 1918, one judge, term to begin February 9, 1919.

In Brown county, in 1918, one judge, term to begin February 9, 1919.

In Butler county, in 1918, two judges, the terms to begin February 9, 1919, and the term of the other to begin January 1, 1920.

In Carroll county, in 1916, one judge, term to begin January 1, 1917.

In Champaign county, in 1916, one judge, term to begin January 1, 1917.

In Clark county, in 1916, one judge, term to begin January 1, 1917.

In Clermont county, in 1914, one judge, term to begin January 1, 1915.

In Clinton county, in 1916, one judge, term to begin January 1, 1917.

In Columbiana county, in 1916, one judge, term to begin January 1, 1917.

In Coshocton county, in 1914, one judge, term to begin January 1, 1915.

In Crawford county, in 1918, one judge, term to begin February 9, 1919.

In Cuyahoga county, 1914, four judges, terms to begin January 1, 1915; in 1916, three judges, terms to begin January 1, 1917, and in 1918, five judges, the terms of four to begin January 1, 1919, and the term of one to begin February 9, 1919.

In Darke county, in 1914, one judge, term to begin January 1, 1915.

In Defiance county, in 1918, one judge, term to begin February 9, 1919.

In Delaware county, in 1918, one judge, term to begin February 9, 1919.

In Erie county, in 1914, one judge, term to begin January 1, 1915.

In Fairfield county, in 1918, one judge, term to begin February 9, 1919.

In Fayette county, in 1914, one judge, term to begin February 9, 1915.

In Franklin county, in 1914, four judges, terms to begin January 1, 1915, and in 1918, two judges, the term of one to begin January 4, 1919, and the term of the other to begin February 9, 1919.

In Fulton county, in 1914, one judge, term to begin January 1, 1915.

In Gallia county, in 1914, one judge, term to begin January 1, 1915.

In Geauga county, in 1914, one judge, term to begin January 1, 1915.

In Greene county, in 1914, one judge, term to begin February 9, 1915.

In Guernsey county, in 1914, one judge, term to begin January 1, 1915.

Times for the election of judges in the counties and the beginning of terms.

In Hamilton county, in 1914, four judges, terms to begin January 1, 1915, and in 1918, five judges, terms to begin February 9, 1919.

In Hancock county, in 1916, one judge, term to begin January 1, 1917.

In Hardin county, in 1914, one judge, term to begin January 1, 1915.

In Harrison county, in 1918, one judge, term to begin April 21, 1919.

In Henry county, in 1914, one judge, term to begin May 9, 1915.

In Highland county, in 1918, one judge, term to begin February 9, 1919.

In Hocking county, in 1916, one judge, term to begin January 1, 1917.

In Holmes county, in 1918, one judge, term to begin February 9, 1919.

In Huron county, in 1916, one judge, term to begin May 14, 1917.

In Jackson county, in 1914, one judge, term to begin January 1, 1915.

In Jefferson county, in 1918, one judge, term to begin February 9, 1919.

In Knox county, in 1914, one judge, term to begin January 1, 1915.

In Lake county, in 1916, one judge, term to begin January 1, 1917.

In Lawrence county, in 1918, one judge, term to begin February 9, 1919.

In Licking county, in 1918, one judge, term to begin February 9, 1919.

In Logan county, in 1914, one judge, term to begin January 1, 1915.

In Lorain county, in 1916, one judge, term to begin January 9, 1917.

In Lorain county, in 1916, one judge, term to begin January 9, 1917.

In Lucas county, in 1914, two judges, the term of one to begin January 1, 1915, and the term of the other to begin October 29, 1915; in 1916, one judge, term to begin January 1, 1917, and in 1918, one judge, term to begin February 9, 1919.

In Madison county, in 1914, one judge, term to begin January 1, 1915.

In Mahoning county, in 1916, one judge, term to begin January 1, 1917, and in 1918, one judge, term to begin February 9, 1919.

In Marion county, in 1916, one judge, term to begin January 1, 1917.

In Medina county, in 1914, one judge, term to begin January 1, 1915.

In Meigs county, in 1916, one judge, term to begin January 1, 1917.

Times for the judges in the counties and the beginning of terms.

In Mercer county, in 1914, one judge, term to begin January 1, 1915.

In Miami county, in 1918, one judge, term to begin February 9, 1919.

In Monroe county, in 1914, one judge, term to begin January 1, 1915.

In Montgomery county, in 1916, one judge, term to begin July 1, 1917, and in 1918, two judges, terms to begin January 1, 1919.

In Morgan county, in 1918, one judge, term to begin February 9, 1919.

In Morrow county, in 1914, one judge, term to begin January 1, 1915.

In Muskingum county, in 1914, one judge, term to begin August 9, 1915.

In Noble county, in 1918, one judge, term to begin April 17, 1919.

In Ottawa county, in 1918, one judge, term to begin February 9, 1919.

In Paulding county, in 1914, one judge, term to begin January 1, 1915.

In Perry county, in 1918, one judge, term to begin July 6, 1920.

In Pickaway county, in 1916, one judge, term to begin January 1, 1917.

In Pike county, in 1914, one judge, term to begin February 9, 1915.

In Portage county, in 1914, one judge, term to begin January 1, 1915.

In Preble county, in 1916, one judge, term to begin January 1, 1917.

In Putnam county, in 1914, one judge, term to begin January 1, 1917.

In Richland county, in 1918, one judge, term to begin February 9, 1919.

In Ross county, in 1914, one judge, term to begin February 9, 1915.

In Sandusky county, in 1918, one judge, term to begin February 10, 1919.

In Scioto county, in 1914, one judge, term to begin January 1, 1915.

In Scioto county, in 1918, one judge, term to begin January 1, 1919.

In Shelby county, in 1916, one judge, term to begin January 1, 1917.

In Stark county, in 1916, one judge, term to begin April 16, 1917, and in 1918, one judge, term to begin February 9, 1919.

In Summit county, in 1918, two judges, the term of one to begin January 1, 1919, and the term of the other to begin February 9, 1919.

Times for the election of judges in the counties and the beginning of terms.

In Trumbull county, in 1914, one judge, term to begin January 1, 1915.

In Tuscarawas county, in 1914, one judge, term to begin January 1, 1915.

In Union county, in 1918, one judge, term to begin February 9, 1919.

In Van Wert county, in 1916, one judge, term to begin January 1, 1917.

In Vinton county, in 1914, one judge, term to begin January 1, 1915.

In Warren county, in 1918, one judge, term to begin February 9, 1919.

In Washington county, in 1916, one judge, term to begin January 1, 1917.

In Wayne county, in 1914, one judge, term to begin January 1, 1915.

In Williams county, in 1916, one judge, term to begin January 1, 1917.

In Wood county, in 1914, one judge, term to begin January 1, 1915.

In Wyandot county, in 1914, one judge, term to begin January 1, 1915.

Repeals.

SECTION 2. That section 1532 of the General Code; the act of March 22, 1906 (98 O. L., 119) entitled: "An act fixing the terms of judges of the court of common pleas, prescribing when they shall be elected, and extending certain of their terms, so as to effect the purpose of section 1, article XVII of the constitution;" the act of May 1, 1871 (68 O. L., 94) entitled: "An act to provide for the election of two additional judges of the court of common pleas in the first judicial district of the state of Ohio"; the act of May 11, 1878 (75 O. L., 518) entitled: "An act to authorize the election of two additional judges in the first judicial district"; the act of February 25, 1908 (99 O. L., 593) entitled: "An act to authorize the election of two additional judges in the first judicial district"; the act of May 17, 1894 (91 O. L., 280) entitled: "An act to change the subdivisions of the second judicial district; to provide for eight additional judges of the court of common pleas in and for said judicial district, and for their election, compensation, duties and powers; to repeal an act entitled: "An act to change the subdivisions of the second judicial district and to provide for the election of an additional judge in the first subdivision," passed March 13, 1868; and also the several acts to authorize the election of additional judges of the court of common pleas in said judicial district, passed May 18, 1871, March 21, 1879, June 12, 1879, April 16, 1883, and parts of the acts to authorize the election of additional judges of the court of common pleas in said judicial district and to abolish superior courts, passed March 27, 1875, and March 19, 1885"; the act of March 31, 1906 (98 O. L., 147) entitled: "An act providing for

Repeals.

the election of one additional judge in the first subdivision of the second judicial district''; the act of March 5, 1896 (92 O. L., 56) entitled: ''An act to authorize the election of one additional judge of the court of common pleas in the third subdivision of the second judicial district''; the act of March 17, 1898, (93 O. L., 52) entitled: ''An act to authorize the election of an additional judge of the court of common pleas in the first subdivision of the third judicial district of Ohio''; the act of March 17, 1904 (97 O. L., 41) entitled: ''An act to determine the limits of the third judicial district, to define the subdivisions thereof, to provide for the judges of the court of common pleas thereof, and to repeal the several laws affecting said district described in section 5 hereof''; the act of April 10, 1882 (79 O. L., 80) entitled: ''An act to authorize the election of an additional judge of the court of common pleas in the first subdivision of the fourth judicial district''; the act of March 25, 1896 (92 O. L., 87) entitled: ''An act to authorize the election of two additional judges of the court of common pleas in the first subdivision of the fourth judicial district of Ohio''; the act of April 26, 1910, (101 O. L., 146) entitled: ''An act to fix the commencement of the term of the successors in office of judges elected and qualified under the act of March 24, 1869, entitled: ''An act to authorize the election of an additional judge of the court of common pleas in the fourth judicial district''; the act of February 6, 1871, (68 O. L., 18) entitled: ''An act to authorize the election of an additional judge of the court of common pleas in the second subdivision of the fourth judicial district of the state of Ohio''; the act of March 29, 1875 (72 O. L., 111) entitled: ''An act to amend section two of an act entitled: ''An act to authorize the election of an additional judge of the court of common pleas in the second subdivision of the fourth judicial district of the state of Ohio''; the act of January 31, 1900 (94 O. L., 5) entitled: ''An act to authorize the election of an additional judge of the court of common pleas in the second subdivision of the fourth judicial district of Ohio''; the act of March 31, 1906, (98 O. L., 175) entitled: ''An act to authorize the election of one additional judge of the court of common pleas in the second subdivision of the fourth judicial district''; the act of March 15, 1910 (101 O. L., 35) entitled: ''An act to provide for the continuance of the office of common pleas judge in the second subdivision of the fourth judicial district of the state, heretofore provided by an act of the general assembly passed March 31, 1906, (98 O. L., 175)''; the act of May 31, 1911 (102 O. L., 477) entitled: ''An act to amend the act of March 22, 1906, entitled: ''An act to fix the terms of judges of the common pleas court in the third subdivision of the fourth judicial district to conform to the constitutional provision relating to biennial elections and to create an additional judge therein''; the act of March 22, 1906, (98 O. L., 118) entitled: ''An act to fix the terms of office of the judges

of the common pleas court in the third subdivision of the fourth judicial district so as to conform to the constitutional provisions relating to biennial elections, and to create an additional judge therein''; the act of May 17, 1894 (91 O. L., 283) entitled: ''An act to change the subdivisions of the fifth common pleas judicial district, and to provide for the election of additional judges in said district, and to repeal certain acts therein named''; the act of February 24, 1868, (65 O. L., 11) entitled: ''An act to authorize the election of one additional judge of the court of common pleas in the third subdivision of the fifth judicial district''; the act of March 31, 1906 (98 O. L., 152) entitled: ''An act providing for the election of one additional judge in the third subdivision of the fifth judicial district''; the act of February 25, 1908, (99 O. L., 594) entitled: ''An act providing for the election of one additional judge in the third subdivision of the fifth judicial district''; the act of May 8, 1868, (65 O. L., 172) entitled: ''An act to authorize the election of an additional judge of the court of common pleas in the second subdivision of the sixth judicial district;'' the act of April 26, 1877 (74 O. L., 476) entitled: ''An act to authorize the election of one additional judge of the court of common pleas in the third subdivision of the sixth judicial district of the state of Ohio''; the act of April 21, 1896, (92 O. L., 214) entitled: ''An act to apportion the fifth and seventh judicial districts and to authorize the election of an additional judge in the second subdivision of the seventh judicial district and to repeal certain sections''; the act of May 9, 1894, (91 O. L., 218) entitled: ''An act to apportion the seventh and eighth judicial districts and the fourth and seventh judicial circuits of Ohio, and to authorize the election of an additional judge in the third subdivision of the seventh common pleas judicial district''; the act of April 18, 1904, (97 O. L., 108) entitled: ''An act to change the subdivisions of the seventh common pleas judicial district, of the state of Ohio, and to provide for the election of additional judges in said district, and the holding of courts therein, and to repeal certain acts and parts of acts therein named''; the act of March 31, 1906, (98 O. L., 148) entitled: ''An act to provide for three judges of the court of common pleas in and for the first subdivision of the seventh judicial district by the creation of an additional judgeship''; the act of May 4, 1869, (66 O. L., 97) entitled: ''An act to change the subdivisions of the eighth judicial district, and to provide for the election of one additional judge of the court of common pleas therein''; the act of March 8, 1892, (89 O. L., 79) entitled: ''An act to provide for the election of an additional judge of the court of common pleas in the eighth judicial district''; the act of February 14, 1882, (79 O. L., 7) entitled: ''An act to authorize the election of one additional judge in the third subdivision of the eighth judicial district''; the act of April 6, 1898, (99 O. L., 600) entitled: ''An act to authorize the election of one additional judge

Repeals.

Repeals.

in the third subdivision of the eighth judicial district''; the act of March 19, 1880, (77 O. L., 70) entitled: ''An act to consolidate the first and fourth subdivisions of the ninth judicial district, and to provide judges therefor''; the act of March 29, 1875 (72 O. L., 91) entitled: ''An act to provide for an additional subdivision of the ninth judicial district of the state of Ohio, and the election of an additional judge therein,''; the act of April 10, 1902 (95 O. L., 123) entitled: ''An act to amend section 481-88 of the Revised Statutes of Ohio''; the act of February 23, 1886, (83 O. L., 10) entitled: ''An act to authorize the election of one additional judge in the first subdivision of the ninth judicial district''; the act of March 14, 1889, (86 O. L., 103) entitled: ''An act to fix the time of election of common pleas judges in the first subdivision of the ninth judicial district''; the act of March 22, 1888 (85 O. L., 101) entitled: ''An act to authorize the election of one additional judge in the second subdivision of the ninth judicial district''; the act of April 13, 1892 (89 O. L., 276) entitled: ''An act to authorize the election of one additional judge in the second subdivision of the ninth judicial district''; the act of March 19, 1896 (92 O. L., 79) entitled: ''An act to authorize the election of one additional judge in the second subdivision of the ninth judicial district''; the act of February 20, 1900 (94 O. L., 21) entitled: ''An act to authorize the election of one additional judge in the second subdivision of the ninth judicial district''; the act of December 16, 1874, (72 O. L., 192) entitled: ''An act to authorize the election of one additional judge of the court of common pleas in the third subdivision of the ninth judicial district of the state of Ohio''; the act of March 31, 1910, (101 O. L., 48) entitled: ''An act to authorize the election of one additional judge in the first subdivision of the ninth judicial district''; the act of March 9, 1909 (100 O. L., 62) entitled: ''An act to establish the office of and to authorize the election of one additional common pleas judge in the second subdivision of the ninth judicial district of the state of Ohio''; the act of June 7, 1879 (76 O. L., 133) entitled: ''An act to restrict the limits of the third judicial district; to define the several subdivisions thereof; to form and establish a new district within its original limits; and to abolish the fourth subdivision thereof''; the act of February 7, 1898 (93 O. L., 6) entitled: ''An act to provide for the election of an additional judge of the court of common pleas in the tenth judicial district of Ohio''; the act of March 6, 1890 (87 O. L., 48) entitled: ''An act to provide for the election of an additional judge of the court of common pleas in the second subdivision of the tenth judicial district of the state of Ohio''; the act of May 31, 1911 (102 O. L., 471) entitled: ''An act to increase, by one, the number of common pleas judicial districts, by establishing the eleventh district; to change the fourth common pleas judicial district; to change the first and third subdivisions of the fourth judicial district, and to designate the judges of

the court of common pleas of the eleventh judicial district hereby created", be and the same are hereby repealed.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
288 G.

[Senate Bill No. 106.]

AN ACT

To authorize the transfer of inmates of one state institution to another, and to provide for a commission of lunacy.

Be it enacted by the General Assembly of the State of Ohio:

Section 1841-1. SECTION 1. The board of administration shall act as commissioners of lunacy, and shall have power to examine into, with or without expert assistance, the question of the sanity or condition of any person committed to or confined in any public or private hospital or asylum for the insane, or restrained of his liberty by reason of alleged insanity at any place within this state, order and compel the discharge of any such person who shall not be insane and direct what disposition shall be made of him; upon the receipt of such order of discharge, signed by the president of the board and attested by its secretary, or a copy thereof certified by said secretary, by the superintendent or other person in charge of the building in which the person named in such order may be confined, he shall forthwith be discharged or otherwise disposed of according to the terms of said order, and any further or other detention of such person shall be unlawful; provided, however, that no such order shall be made in favor of any person committed and held for trial on a criminal charge, nor in favor of a person held in confinement by an order of a judge or court made in a criminal proceeding, nor in any case unless notice be given to the superintendent or other person having charge of the building in which the alleged insane person is detained, and a reasonable opportunity be allowed the person so in charge to justify further detention of the person confined.

Board of administration shall act as commission of lunacy.

Powers and duties.

Section 1841-2. SECTION 2. All persons committed to any institution under the control and management of the Ohio board of administration shall be considered as committed to the control, care and custody of such board. Upon resolution, duly entered upon the minutes of the board, any person committed to one of such institutions may, for reasons set forth in such resolution, be transferred to any other institution;

Persons committed to institutions under control of board, may be transferred.

provided that, except as otherwise provided by law, no person shall be transferred from a benevolent to a penal institution.

Section 1841-3. Board may adjudge inmate of any institution insane, etc., and remove to other institution.

SECTION 3. The board of administration acting as a commission of lunacy may adjudge any inmate in any institution under its control, or in any county jail, to be insane, feeble-minded, or epileptic, and may remove such inmate to any one of the state hospitals, or to the institution for feeble-minded, or to the Ohio hospital for epileptics.

Section 1841-4. When inmate may be returned.

SECTION 4. If a convict thus removed from the Ohio penitentiary or the Ohio state reformatory recovers his reason before the expiration of his sentence he shall be ordered by the board to be returned to the institution from which he was taken.

Section 1841-5. Rules and regulations.

SECTION 5. The board of administration, acting as a commission of lunacy, shall make rules and regulations for the proper execution of its powers, and may change same from time to time as necessity may demand.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

Passed April 9th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
289 G.

[Senate Bill No. 175.]

AN ACT

To amend and supplement an act entitled, "An act to amend and supplement an act providing for the establishment of a municipal court in the city of Cleveland," passed May 10, 1911 (102 O. L. p. 155-168), and to repeal subsections 2, 3, 4, 5, 6, 7, 8, 8-1, 8-2, 9, 10, 11, 12, 12-1, 13, 14, 15, 16, 16-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 38-1, and 38-2 of section 1 thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That subsections 2, 3, 4, 5, 6, 7, 8, 8-1, 8-2, 9, 10, 11, 12, 12-1, 13, 14, 15, 16, 16-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 38-1 and 38-2 of section 1 of an act entitled, "An act to amend and supplement an act providing for the establishment of a municipal court in the city of Cleveland," passed May 10, 1911 (102 O. L. 155), be amended to read as follows:

Section 1579-2. Judges and qualifications.

Sec. 2. The municipal court shall consist of seven judges, one of whom shall be chief justice and all of whom shall at the time of their election be qualified electors and residents of the city of Cleveland and shall have been admitted to the practice of law at least five years.

Section 1579-3. Sec. 3. Judges of the municipal court shall receive such compensation, payable out of the treasury of Cuyahoga county not less than one thousand five hundred dollars per annum, as the county commissioners may prescribe, and such further compensation, not less than three thousand dollars per annum payable in monthly installments out of the treasury of the city of Cleveland, as the council may prescribe. Compensation.

The chief justice, who shall be separately nominated and elected as such, shall receive such compensation payable out of the treasury of Cuyahoga county, not less than one thousand five hundred dollars per annum as the county commissioners may prescribe, and such further compensation, not less than three thousand five hundred dollars per annum, payable in monthly installments out of the treasury of the city of Cleveland as the council may prescribe.

The vacation of the respective judges of the municipal court shall not exceed sixty days during each year, and shall be at such times as fixed by the chief justice, and at least four judges shall be in attendance at all times. Vacations.

Section 1579-4. Sec. 4. The judges of the municipal court shall be subject to the same disabilities and may be removed from office for the same causes and in the same manner as a judge of the court of common pleas. Removal.

Section 1579-5. Sec. 5. The judges of the municipal court including the chief justice may be nominated by direct vote, unless the city controlling committee of any party shall, by a majority vote, at least forty days before the time fixed by law for a primary, direct its candidates for said positions to be nominated by delegate conventions, the delegates to which shall be elected at the primary, in which case they shall be so nominated; and provided further that nominations may be by any other method provided by law or city charter for other municipal officers of the city of Cleveland. This act shall not be so construed as to prevent any person from being nominated for judge of the municipal court, in any manner now or which may hereafter be provided by law or city charter for the nomination of other municipal officers of the city of Cleveland. And they shall be elected by the electors of the city of Cleveland. At the regular municipal election next preceding the expiration of the term of office of each judge a successor shall be elected for a term of four years. The term of office of each judge shall commence on the first day of January next after his election and he shall hold office until his successor is elected and qualified. Nomination, election, term.

Section 1579-6. Sec. 6. The municipal court shall have original civil jurisdiction within the limits of the city of Cleveland in the following cases: Original civil jurisdiction.

1. In all actions and proceedings of which justices of the peace have or may be given jurisdiction.

2. In all actions and proceedings at law for the recovery of money or personal property of which the courts of common pleas of the county of Cuyahoga, have, or may be

given, jurisdiction, when the amount claimed by any party, or the appraised value of the personal property, sought to be recovered, does not exceed one thousand dollars, and in such actions judgment may be rendered for over one thousand dollars when the excess over one thousand dollars shall consist of interest or damages, or costs accrued after the commencement of the action.

3. In all actions on contracts, express or implied in law or in fact, when the amount claimed by the plaintiff, exclusive of all costs, does not exceed twenty-five hundred dollars. When a cause rising out of contract is pending in the municipal court and the ends of justice demand that an account be taken or that the contract, or contracts, be reformed or cancelled, the municipal court shall have jurisdiction to decree such accounting, reformation or cancellation.

4. In all actions and proceedings whether legal or equitable, to enforce the collection of its own judgments.

5. In all actions and proceedings for the sale of personal property under a chattel mortgage, lien or other charge or incumbrance, irrespective of amount, and for the foreclosure and marshalling of all liens thereon and the rendering of personal judgment therein, irrespective of amount, in favor of any party.

6. In all actions and proceedings for the sale of real property under the lien of a judgment of the municipal court, or a lien thereon for machinery, material or fuel furnished or labor performed irrespective of amount, and in such cases the court may proceed to foreclose and marshall all liens thereon, and all rights, vested or contingent, therein, and to render personal judgment, irrespective of amount, in favor of any party.

7. In all actions and proceedings in the nature of creditors' bills, and in aid of execution to subject the interest of a judgment debtor in real or personal property to the payment of a judgment of the municipal court.

8. In all actions and proceedings in the nature of interpleader.

Section 1579-7. Sec. 7. The municipal court shall have jurisdiction within the limits of the county of Cuyahoga:

Jurisdiction within limits of county.

1. To compel attendance of witnesses in any pending action or proceeding.

2. To issue execution on its own judgments.

3. In all actions and proceedings whether legal or equitable, to enforce the collection of its own judgments.

4. In all actions and proceedings in the nature of creditors' bills, and in aid of execution to subject the interests of a judgment debtor in real or personal property to the payment of a judgment of the municipal court and in such cases the court may proceed to marshall and foreclose liens thereon irrespective of amount, and all rights, vested or contingent, therein.

5. In all actions and proceedings where one or more defendants resides or is served with summons in the city of Cleveland.

Section 1579-8. Jurisdiction when defendant resides or is served in city.

Sec. 8. In any action or proceeding of which the municipal court has jurisdiction of the subject matter, when the defendant, or some one of the defendants, resides or is served with summons in the city of Cleveland, the municipal court shall have jurisdiction, and summons, writs and process may be issued to the sheriff of any county against one or more of the defendants.

Section 1579-9. Further jurisdiction.

Sec. 9. Whenever an action or proceeding is properly brought in the municipal court, the court shall have jurisdiction to determine, preserve and enforce all right involved therein and to afford all legal and equitable remedies therefor.

Section 1579-10. Appellate civil jurisdiction.

Sec. 10. The municipal court shall have appellate civil jurisdiction from a court of a justice of the peace in the following cases:

1. In all actions and proceedings heard and determined in a court of a justice of the peace in and for the township of Cleveland in the county of Cuyahoga.

2. In all actions and proceedings against a resident of the city of Cleveland, heard and determined in a court of a justice of the peace in and for any township in the county of Cuyahoga other than Cleveland township.

Section 1579-11. Jurisdiction in ancillary and supplemental proceedings.

Sec. 11. In all causes the municipal court shall have jurisdiction in every ancillary and supplemental proceeding, before and after judgment, including attachment of person or property, arrest before judgment, interpleader, aid of execution, revivor or judgment and the appointment of a receiver, for which authority is now, or may hereafter, be conferred upon the court of common pleas, or a judge thereof, or upon justices of the peace. In addition the plaintiff shall have an order of attachment against property of the defendant in any civil action of which the municipal court has jurisdiction for the grounds enumerated in section 10253 and in the manner provided by section 10263 of the General Code of Ohio.

Section 1579-12. Jurisdiction in all misdemeanors, etc.

Sec. 12. The municipal court shall have jurisdiction of all misdemeanors and of all violations of city ordinance of which police courts in municipalities now have or may hereafter be given jurisdiction. In felonies the municipal court shall have the powers which police courts in municipalities now have or may hereafter be given.

Section 1579-13. Jurisdiction of bastardy and other quasi-criminal actions.

Sec. 13. The municipal court shall have jurisdiction of all bastardy and other quasi-criminal actions and proceedings of which a court of a justice of the peace now has or may hereafter be given jurisdiction; and in all such actions the practice and procedure and the powers of the court in relation thereto shall be the same as those which are now or may hereafter be possessed by a court of a justice of the peace.

Section 1579-14. Further jurisdiction.

Sec. 14. In the actions and proceedings of which the

municipal court has jurisdiction, all laws conferring jurisdiction upon a court of common pleas, a police court or a justice of the peace, giving such court or officer power to hear and determine such causes, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution or enforcement thereof, shall be held to extend to the municipal court, unless inconsistent with this act or plainly inapplicable.

Section 1579-15. When amount due exceeds certain sum.

Sec. 15. When the amount due to either party exceeds the sum for which the municipal court is authorized to enter judgment, such party may remit the excess, and judgment be entered for the residue. A defendant need not remit such excess, and may withold setting it off, a recovery for the amount set off and allowed, or any part of it, shall not be a bar to his subsequent action for the amount withheld.

Section 1579-16. When appraised value exceeds $1,000.

Sec. 16. Whenever the appraised value of porperty sought to be recovered in any action in the municipal court exceeds one thousand dollars, the judge of the municipal court shall certify the proceedings in the case to the court of common pleas of Cuyahoga county and thereupon the clerk of the municipal court shall file the orinigal papers and pleadings, together with a certified transcript of the docket and journal entries in the case, in the office of the clerk of the said common pleas court. The bailiff shall turn over the property in his possession to the sheriff of Cuyahoga county, to be by him held as in like cases originating in the court of common pleas. The case must then proceed as if it had been commenced there. All appraisals of property sought to be recovered in any action in the municipal court shall be made in the manner hereinafter provided.

Section 1579-17. How value ascertained.

Sec. 17. In any action or proceeding, except for the purpose of fixing the amount of bond required in actions of replevin, the value of property may be ascertained by the oath of two disinterested householders of Cuyahoga county when the property appraised consists of personalty, and shall be ascertained by the oath of two disinterested resident householders of Cuyahoga county when the property appraised consists of real estate.

Section 1579-18. Appeal from justice of peace to municipal court; procedure.

Sec. 18. In any action in a court of a justice of the peace which is appealable to the municipal court any party thereto may file with said justice, within five days after the rendition of a judgment or the making of a final order therein, a notice in writing that he desires to appeal from said judgment or final order to the municipal court, and forthwith all further proceedings in such action in the court of the justice of the peace shall cease, and the appeal shall be considered as perfected, and the appellant shall not be required to file bond. Said justice shall thereupon immediately transmit to the clerk of the municipal court all papers in said action, a transcript of his docket showing the proceedings and the costs of his court, and any moneys held by him in the action and the justice shall order the constable to turn over any property held by him in the ac-

tion to the bailiff of the municipal court to be by him held as in like cases originating in the municipal court. The clerk of the municipal court shall thereupon notify the appellee of the appeal of said cause.

1. When a cause is appealed the statement of claim of the plaintiff shall be filed in the municipal court on or before the tenth day from the rendition of the judgment appealed from, except that upon good cause shown, the time for filing the statement of claim may be extended for such reasonable time as the court shall order.

2. When a statement of defense is required the time for filing the same shall be fixed by rule of court not less than ten days after the notice of appeal was filed with a justice of the peace. The case must then proceed as if it had been commenced in the municipal court.

Section 1579-19. Sec. 19. Civil actions and proceedings in the municipal court shall be commenced by summons or writ, the form of which shall be prescribed by rule of court, except as herein otherwise provided. An action or proceeding shall be commenced on delivery of the summons or writ by the clerk to the bailiff for service. Commencement of actions.

1. Where no special provision is made in this act all writs and process of the municipal court shall be served and returned, and publication made, in the same manner as is now, or may hereafter be, provided by law, for the service and return of writs and process in the court of common pleas. Where the manner of service and return is not so provided for, service and return may be made in the same manner provided by law for the service and return of writs and process issued by a police court, or a justice of the peace. In addition to the foregoing methods of service and return of writs and process the judges may by rule provide for the service and return of writs or process by mail, registered or otherwise, and when provision for service by mail is so made, a return of the bailiff or sheriff that a true copy of a writ or process was deposited in the mail shall be proof of residence service at the address on the envelope containing such writ or process; provided that such address be the correct residence address of the party to be served, and that such envelope be not returned to the bailiff by the postal authorities as undelivered; provided further that any person requesting service by bailiff or sheriff shall be entitled thereto.

2. The return day shall be fixed by rule of court and the summons or writ shall, unless accompanied with an order to arrest, be served at least three days before the time of appearance.

3. In an action wherein the bailiff is a party, or is interested, writs and process shall be directed to the sheriff of Cuyahoga county. If both these officers are interested, the writs and process shall be directed to and executed by the chief justice.

4. In all civil cases in the municipal court the plaintiff shall file a statement of claim and the defendant shall

file a like statement of any setoff or counterclaim he may desire to assert. A statement of defense shall be filed in such cases and within such time as may be required by rule of the court. In cases where a statement of defense is required the summons shall set forth the date when such statement shall be filed, as fixed by rule of court, which shall be not less than five days after the return day of the summons. The statement shall set forth in plain and direct language the facts constituting the cause of action, setoff, counterclaim, or defense.

5. To expedite the business and promote the ends of justice the judges may from time to time adopt, publish, and revise rules relating to matters of practice and procedure, service and return of writs or process, classify the causes of action in the court, and prescribe with reference to each class the degree of particularity with which a cause of action, setoff, counterclaim, or defense shall be set up.

6. Where no special provision is made in this act, or by rule of court, the provisions of title four, part third, of the General Code shall apply to the practice and procedure of the municipal court; but this section shall not be construed to abridge the powers of the judges in respect thereto granted by this act.

Section 1579-20. Procedure in criminal actions.

Sec. 20. In all criminal cases and proceedings the practice and procedure and mode of bringing and conducting prosecutions for offenses, and the powers of the court in relation thereto, shall be the same as those which are now, or may hereafter be, possessed by police courts in municipalities.

Section 1579-21. Chief justice, additional powers and duties.

Sec. 21. In addition to the exercise of all the other powers of a judge of said court, the chief justice shall have the general superintendence of the business of the court, and may classify and distribute among the judges the business pending in said court. He shall render a complete annual report to the council of the city of Cleveland, covering the preceding year, which report shall show the work performed by the court, a summary of the expenses of the civil and criminal branches of the court respectively, a statement of receipts and expenditures, the number of cases heard, decided and settled by the court and by each judge thereof, the number of cases reviewed by the court on error, the number of decisions of the municipal court reversed or affirmed by a reviewing court, the number of days and hours of attendance in court of each judge, and such other data as the council may require. Said report shall be printed by the council for free distribution to the public.

Sittings of court; general powers and duties.

The judges of the court may sit separately or otherwise; shall meet at least once in each month and at such other times as the chief justice may determine; shall prescribe forms; establish a system for the docketing of causes, motions and demurrers; adopt and publish rules governing practice and procedure not otherwise provided for in this act; and designate the mode of keeping and authenticating the records of proceedings had before them.

The judges or a judge of the court may summons and impanel jurors; tax costs; compel the attendance of witnesses, jurors and parties; issue process; preserve order; punish for contempt; and may exercise all powers which are now or may hereafter be conferred upon the court of common pleas or the judges thereof, or upon justices of the peace, or upon police courts of cities or the judges thereof necessary for the exercise of the jurisdiction herein conferred and for the enforcement of the judgments and the orders of the court.

Each judge shall at least once each month, make a report, in writing, to the chief justice, of the duties performed by him, in such manner and form as the chief justice may require.

Any order made by the chief justice, under the special powers conferred upon him in this act, may be vacated, amended or modified, by the vote of a majority of the judges of the court.

Section 1579-22. Sec. 22. A judgment rendered, or final order made, by any justice of the peace from whose court appeal may be had by the provisions of this act to the municipal court, may also be vacated, modified or reversed, by the municipal court and the proceedings in error in such case shall be the same as are now, or may hereafter be, provided for proceedings in error from a justice of the peace to the court of common pleas, and the justice shall order the constable to turn over any property in his possession to the bailiff of the municipal court to be by him held as in like cases originating in the municipal court.

Proceedings in error from a justice of the peace.

Section 1579-23. Sec. 23. The municipal court shall have no jurisdiction, in either appeal or error, when any party to an action in a court of a justice of the peace shall perfect error or appeal proceedings to the court of common pleas, and if the action has been taken on error or appeal to the municipal court, all proceedings in the municipal court shall thereupon cease, and the clerk of the municipal court shall transmit all papers and moneys held by him in the action and certify the costs, to the clerk of the common pleas court, and the bailiff of the municipal court shall turn over any property held by him in the action to the sheriff of Cuyahoga county, to be held by him as in like cases originating in the court of common pleas.

No jurisdiction when appeal proceedings to common pleas court perfected.

Section 1579-24. Sec. 24. All causes in the municipal court shall be tried to the court unless a jury trial be demanded by a party. The time for making a demand for a jury trial may be fixed and limited by rule of court. In all civil actions, where a jury is demanded, it shall be composed of six lawful men, having qualifications of electors, unless the parties agree on a less number. Provided, however, that any party may demand a jury of twelve men. In all actions and proceedings of which police courts in cities have or may be given jurisdiction, where a jury may be and is demanded, it shall be composed of twelve lawful men having the qualifications of electors. In all civil actions a jury

Trial.

shall render a verdict upon the concurrence of three-fourths or more of their number. Whenever over three-fourths of the jury, as herein provided, shall not consist of an integral number, the next highest number shall be construed to represent three-fourths of such jury.

Section 1579-25. Taxing costs.

Sec. 25. In all civil actions and proceedings the cost of summoning jurors and the fees of jurors shall be taxed as part of the costs.

Section 1579-26. Advance deposit.

Sec. 26. An advance deposit of five dollars may by rule of court be required from the party demanding the jury, or said party may, in lieu thereof, file an affidavit of inability to make such advance deposit.

Section 1579-27. Choosing and summoning jury; fees.

Sec. 27. Jurors in the municipal court shall be chosen and summoned in accordance with an ordinance of the council of the city of Cleveland, or if no such ordinance is enforced, in accordance with a rule of the court. They shall be impaneled in the same manner and challenged for the same causes as jurors in the court of common pleas; they shall have the same qualifications and receive the same fee as jurors in the court of common pleas; their fees shall be paid out of the treasury of the city of Cleveland. It shall be the duty of the chief justice of the municipal court to cause to be interrogated all jurors summoned for service in the municipal court, and to cause to be inquired into the qualifications of said jurors and to reject from service as jurors all persons who do not appear to possess the qualifications required by law.

Section 1579-28. New trial.

Sec. 28. In all causes the municipal court shall have the same authority to set aside a verdict or a judgment, and grant a new trial, as is now, or may hereafter be, conferred on courts of common pleas.

Section 1579-29. Calendar.

Sec. 29. The calendar of the municipal court shall be divided into four terms of three months each, beginning respectively on the first day of January, April, July and October of each year. The chief justice of the municipal court may continue the session of any term of said court beyond the time fixed for the commencement of the next term, when such continuance is necessary to finish the trial of any cause or to receive the verdict, or pronounce judgment in any cause, the trial of which has been commenced during the term. When a jury has been impaneled for the trial of a case, or an action is on trial in the municipal court, if it be deemed proper by reason of the approaching close of the term of said court, or for any other cause, to adjourn such trial to the next term, the court may order that it be adjourned to a day certain, on which day the case shall proceed and be disposed of as if the trial had commenced at that term. When in any case on trial in the municipal court, the jury returns a verdict, or the court renders a judgment or decision, within the last three days of the term in which such trial was commenced, either party to such case may file a motion for a new trial within three days after the return of such verdict, or the rendition of such judgment or decision.

Section 1579-30. Sec. 30. All lands and tenements, including vested interests therein, and permanent leasehold estates renewable forever, located within the county of Cuyahoga, shall be bound for the satisfaction of any judgment rendered in the municipal court from the first day of the term at which judgment is rendered; but judgments by confession, and judgments rendered at the same term at which the action is commenced shall bind such lands, tenements, vested interests and permanent leaseholds only from the day on which such judgments are rendered. Effect of judgments.

Section 1579-31. Sec. 31. The party in whose favor a judgment is rendered by the municipal court may file a transcript of such judgment in the office of the clerk of the court of common pleas, in the same manner and under the same conditions, as are now, or may hereafter be, provided for the filing of transcripts of judgments rendered by justices of the peace; all provisions relative to transcripts of judgments and liens of judgments rendered by justices of the peace, shall, in so far as applicable be applied to transcripts of judgments and liens of judgments rendered by the municipal court. Transcripts.

Section 1579-32. Sec. 32. The lien of a judgment of the municipal court may be enforced in the court of common pleas in the same manner as the lien of a judgment rendered by the court of common pleas. Execution may be issued on such judgment at any time after a transcript thereof has been filed, as if the judgment had been rendered by the court of common pleas; but all liens shall remain as provided in this act. Enforcement of judgments.

Section 1579-33. Sec. 33. The records of the municipal court may be proved by the production of the original records, or by a transcript thereof certified by clerk of said court under its seal. Proof of records.

Section 1579-34. Sec. 34. The clerk of the municipal court shall make and maintain an alphabetical index of the names of all plaintiffs and defendants to suits filed in said courts. Index.

Section 1579-35. Sec. 35. When the summons has been served or the publication made, the action in the municipal court is pending so as to charge third persons with notice of its pendency. While pending, no interest can be acquired by third persons in the subject of the action, as against the plaintiff's title. Pending action; notice.

Section 1579-36. Sec. 36. Proceedings in error may be taken to the court of common pleas of Cuyahoga county from a judgment or final order of the municipal court in the same manner and under the same conditions as are provided by law for proceedings in error from the court of common pleas to the court of appeals: provided, however, no proceedings to reverse, vacate or modify such a judgment or final order shall be commenced unless within sixty days after the overruling of the motion for a new trial, or the entry of the judgment or final order complained of, when the motion for a new trial is not filed; or in case the person entitled to such proceedings is an infant, a person of unsound mind, or imprisoned, within forty days exclusive of the time of Proceedings in error.

such disability. When any error proceeding has been determined or dismissed by the court of common pleas, the clerk of such court shall, immediately after the time allowed by law for the commencement of proceedings to review the judgment of said court of common pleas, if such proceedings have not been commenced, transmit to the clerk of the municipal court all of the original papers and pleadings in said case.

Section 1579-37.

Error pertaining to practice.

Sec. 37. No assignment of error in a reviewing court shall be allowed in any action which shall call in question the decision of the municipal court in reference to any matter pertaining to the practice in said court; provided, however, that the reviewing court may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where in the opinion of the reviewing court such relief is necessary to prevent a failure of justice.

Section 1579-38.

Stay of execution; bond.

Sec. 38. A person against whom a judgment has been rendered in the municipal court may stay execution thereon by entering into a bond to the adverse party within ten days after the rendition of such judgment, with sufficient surety, a freeholder owning real property situated in the county of Cuyahoga or a corporation authorized to excuse surety bonds in this state, approved by the clerk of the court or a deputy, and conditioned for the payment of the amount of such judgment, interest, costs and costs that accrue. Such bonds shall be entered on the docket of the clerk of the court and shall be signed by such surety. Where a freeholder of the county of Cuyahoga is a surety, said undertaking shall be a lien on the real property of said freeholder situated in the county of Cuyahoga from the time of signing the undertaking until the judgment and all costs in the case upon which the stay of execution has been granted are satisfied.

The stay of execution hereby authorized shall be graduated as follows:

First: On a judgment for $50.00 and under, for sixty days.

Second: On a judgment exceeding $50.00 for one hundred and eighty days.

Section 1579-39.

Cases wherein stay of execution not allowed.

Sec. 39. Stay of execution on the following judgments shall not be allowed:

1. Judgments against sureties or bail for the stay of execution.

2. Judgments rendered in favor of sureties or bail who have been compelled by judgment to pay money on account of their principal.

3. Judgments rendered against a surety on a bond or undertaking given in any action or proceeding in any court.

4. Judgments for an amount not exceeding $100.00 rendered in favor of any person for wages due for manual labor by him performed.

Section 1579-40. Sec. 40. Where no special provision is made in this act the laws governing the court of common pleas as to security for costs, bills of exceptions, motions for new trials, vacation or modification of judgment before and after terms, the referring of matters to a referee, the issuing of execution and orders for stay of execution, and the taking of depositions, shall be held to apply to the municipal court.

Laws governing court of common pleas applicable.

At the municipal election of 1911 and every four years thereafter, there shall be nominated and elected a clerk of the municipal court in the same manner as other municipal officers are nominated and elected, who shall serve until his successor is elected and qualified.

Election of clerk; compensation.

He shall receive such compensation payable out of the treasury of Cuyahoga county not less than two thousand dollars per annum as the county commissioners may prescribe, and such further compensation not less than twenty-five hundred dollars per annum payable in monthly installments out of the treasury of the city of Cleveland as the council may prescribe. Deputies to the clerk shall be designated as hereinafter provided for in this act.

Section 1579-41. Sec. 42. The clerk of the municipal court shall have general powers to administer oaths, and take affidavits, and to issue executions upon any judgment rendered in the municipal court, including a judgment for unpaid costs; he shall have power to issue and sign all writs, process and papers issuing out of the court, and to attach the seal of the court thereto; and except as hereinafter provided, shall have power to approve all bonds, recognizances and undertakings fixed by any judge of the court or by law; shall file and safely keep all journals, records, books and papers belonging or appertaining to the court, record its proceedings and perform all other duties which the judges of the court shall prescribe. He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fines and penalties, and shall pay the same quarterly to the treasurer of the city of Cleveland and take proper receipts therefor, but money deposited as security for costs shall be retained by him pending the litigation; he shall keep a book showing all receipts and disbursements, which shall be open for public inspection at all times; and shall on the first Monday of each term of court make to the city auditor a report of all receipts and disbursements for the preceding term. He shall succeed to all and shall have all the powers and perform all the duties of police clerks. And as to the selection of the deputy clerks he shall have power to appoint a chief deputy only. All other deputies and assistants shall be appointed or selected by him as hereinafter provided.

Powers and duties of clerk.

Section 1579-42. Sec. 43. All money deposited as security for costs and all other moneys, other than costs, paid into the municipal court, shall be noted on the record of the cause in which they are paid and shall be deposited by the clerk in such

Moneys received shall be deposited and draw interest.

banking institutions as shall be designated by the judges of the court, there to abide the order of the court and to bear interest at not less than two per cent. per annum. On the first Monday in January of each year the clerk shall make a list of the titles of all causes in the municipal court which were finally determined more than one year past, in which there remains unclaimed in the possession of the clerk of any such funds, or any part of a deposit for security for costs not consumed by the costs in the case. The clerk shall give notice of the same to the parties entitled to said moneys, or to their attorneys of record. All such moneys remaining unclaimed on the first day of April of each year shall be paid by the clerks to the city treasurer provided, however that any part of such moneys shall be paid to the person having the right thereto upon proper certificate of the clerk of the court.

Section 1579-43. Bond of clerk.

Sec. 44. Before entering upon the duties of his office the clerk of the municipal court shall make and file in the office of the treasurer of the city of Cleveland a bond in a sum of not less than ten thousand dollars, to be determined by the judges of the court, with surety to be approved by the auditor of the city of Cleveland, conditioned for the faithful performance of his duties as such clerk. The said bond shall be given for the benefit of the city of Cleveland and for the benefit of any person who may suffer loss by reason of a default in any of the conditions of said bond. A vacancy in the office of clerk of the municipal court shall be filled by the mayor for the unexpired term.

Section 1579-44. Compensation of chief deputy and clerks.

Sec. 45. The chief deputy clerk shall receive such compensation not less than one thousand five hundred dollars per annum as the council may prescribe. The other deputy clerks shall receive such compensation not less than one thousand two hundred dollars per annum as the council may prescribe. All of said salaries shall be paid in monthly installments; out of the treasury of the city of Cleveland. If desired by the court the clerk shall designate one deputy to each court room, who shall perform such duties as may be required by the judges. The clerk may require any of the deputy clerks to give bond of not less than one thousand dollars, the terms whereof shall be subject to the approval of the judges of the court. The sureties on said bonds shall be approved and said bonds shall be filed in the manner prescribed for the approval and filing of the clerk's bond. Deputy clerks shall take the same oath or affirmation required of the clerk of said municipal court.

Section 1579-45. Bailiffs; duties, compensation, bond.

Sec. 46. A bailiff and deputy bailiffs, shall be designated as hereinafter provided for in this act. They shall perform for the municipal court services similar to those usually performed by the sheriff for courts of common pleas and by the constable for courts of justice of the peace. The bailiff shall have power to approve all undertakings and bonds given in actions of replevin, all re-delivery bonds in attachment, and all bail bonds given upon arrest before

judgment. The bailiff shall receive such compensation not less than three thousand six hundred dollars per annum and deputy bailiffs shall each receive such compensation not less than one thousand two hundred dollars per annum, as the council may prescribe, payable in monthly installments, out of the treasury of the city of Cleveland. Before entering upon his duties, the bailiff shall make and file in the office of the auditor of the city of Cleveland a bond in the amount of not less than ten thousand dollars to be determined by the judge with two or more sureties to be approved by the chief justice. The terms of said bonds shall be subject to the approval of the judges of the court. The said bond shall be given for the benefit of the city of Cleveland and of any persons who shall suffer loss by reason of a default in any of the conditions of said bond. The bailiff may require any of deputy bailiffs to give a bond of not less than one thousand dollars, the terms whereof shall be subject to the approval of the judges of the court. The sureties on said bond shall be approved and said bond shall be filed in the manner prescribed for the approval and filing of the bailiff's bond.

Section 1579-46. Sec. 47. Excepting the clerk and the chief deputy clerk, the bailiff and all deputy clerks and deputy bailiffs, of the municipal court shall be in the classified civil service of the city of Cleveland, subject to the provisions of the laws of the state applying to said classified service. From time to time as the chief justice of the municipal court may demand, the civil service commission of the city of Cleveland shall certify to the chief justice of the municipal court a list of those eligible for the positions of bailiff and deputy bailiff, and to the clerk from time to time, as he may dehand a list of those eligible for the positions of deputy clerk. From such lists the judges shall designate a bailiff and such number of deputy bailiffs as judges of the said court may deem necessary to transact the business of the court, and the clerk shall designate a chief clerk, and such number of deputies as the city council may determine. Any appointee under this act may be dismissed or discharged by the same power or force which appointed him.

Classified civil service.

Every police officer of the city of Cleveland shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or any judge thereof.

Ex-officio bailiffs.

Section 1579-47. Sec. 48. Except as otherwise provided for in this act, in actions and proceedings wherein the said municipal court has jurisdiction concurrent with a court of a justice of the peace, the fees and costs may be the same and taxed in the same manner as is now, or may hereafter be provided for actions and proceedings heard and determined in a court of a justice of the peace. In other actions and proceedings the fees and costs may be the same, and taxed in the same manner, as is now, or may hereafter be, provided for actions and proceedings heard and determined in the court

Costs; how taxed.

of common pleas. In criminal proceedings all fees and costs may be the same as now fixed in the police court of said city. Provided, however, that the municipal court, in lieu of the aforesaid methods of taxing costs, by rule of court may establish a schedule of fees and costs to be taxed in all actions and proceedings, in no case to exceed fees and costs provided for like actions and proceedings by general law.

Section 1579-48. Accommodations for court.

Sec. 50. The council of the city of Cleveland shall provide suitable accommodations for the municipal court and its officers including a private room for each judge and sufficient jury room. The council shall also provide for the use of the court complete sets of the reports of the supreme and inferior courts of Ohio and such other authorities as are deemed necessary, and shall provide for each court room the latest edition of the General Code of Ohio, and necessary supplies including telephone, stationery, furniture, heat and light. The expense of maintaining the court shall be paid out of the treasury of the city of Cleveland.

Section 1579-49. Seal.

Sec. 51. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the state and shall be one and three-fourths inches in diameter and shall be surrounded by these words, "The Municipal Court of Cleveland, Ohio" and shall have no other words or device engraved thereon.

Section 1579-50. Solicitor and assistants.

Sec. 52. The solicitor for the city of Cleveland shall also be prosecuting attorney of the municipal court. He may designate such number of assistant prosecutors as the council of the city of Cleveland may authorize. The persons thus appointed shall be subject to the approval of the city council and such assistants shall receive for their services in city cases such salaries as the council may prescribe, and the county commissioners may allow such further compensation as they deem proper, which shall be paid from the county treasury.

The prosecuting attorney of the municipal court shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

Interpreters and probation officers.

The council of the city of Cleveland, by ordinance, shall provide for the appointment of one or more interpreters and one or more persons to be known as probation officers. Probation officers shall have all the powers of regular police officers and shall devote their time to the interests of persons placed upon probation. Upon the order of the municipal court, or a judge thereof, they shall investigate the circumstances of any case that may come before the court for final jurisdiction.

Probation officers and interpreters shall be appointed by the judges of the municipal court, and serve at their pleasure. They shall receive such compensation as the council by ordinance may prescribe. If a member of the police

department is appointed probation officer, he shall have the privilege of returning at any time to the active service in the department and to the same rank and standing as he held at the time of appointment as probation officer.

Section 1579-51. Sec. 53. Whenever the incumbent of any elective office created by this act except that of clerk shall temporarily be absent or incapacitated from acting, the judges shall appoint substitute, who shall have all the qualifications required of an elective incumbent of the office. Such appointee shall serve until the return of the regular incumbent.

Appointment of substitutes.

Any vacancy which may occur in any elective office created by this act, except that of clerk, shall be filled by appointment by the governor until a successor is elected and qualified. Every such vacancy shall be filled by election at the first municipal election taking place more than thirty days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term.

Vacancies.

Wherever under the provisions of this act authority is vested in all the judges constituting said court, such authority shall be exercised in accordance with a majority vote of said judges including the chief justice, and such exercise of authority shall be recorded by a minute thereof or order spread upon the records of the court.

Section 1579-52. Sec. 54. Upon the expiration of the term of office of the last justice of the peace in Cleveland township, Cuyahoga county, after said office has been abolished, the said justice shall deposit with the clerk of the municipal court of Cleveland, his official dockets with all the files, papers and books pertaining to his office; also all of the dockets, files, papers and books of his predecessors or others holding the office of justice of the peace in Cleveland township, which have come into his custody.

Duties of justices when office abolished.

The municipal court of Cleveland shall become the successor in office of the last justice of the peace and after the delivery to the clerk of said court of the dockets of said justice of the peace, or any other justice of the peace of Cleveland township, the said municipal court of Cleveland may proceed in all cases in like manner as if originally had or instituted before said court.

Municipal court becomes successor of justice's court.

Section 1579-53. Sec. 55. The sections of this act, and every part of such sections are hereby declared to be independent sections and parts of sections and the holding of any section or part thereof to be void or ineffective shall not affect any other section or part thereof.

Sections independent.

Section 1579-54. Sec. 56. This act shall not be construed to shorten the term for which any judge or officer of the municipal court has been elected.

Terms not shortened.

Repeals.

SECTION 2. That said original subsections 2, 3, 4, 5, 6, 7, 8, 8-1, 8-2, 9, 10, 11, 12, 12-1, 13, 14, 15, 16, 16-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 38-1 and 38-2 of section 1 of an act entitled, "an act to amend and supplement an act providing for the

The sectional numbers on the margin hereof are designated as provided by law.

establishment of a municipal court in the city of Cleveland," and section 1579-19 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
290 L.

TIMOTHY S. HOGAN,
Attorney General.

[Amended Senate Bill No. 7]

AN ACT

To regulate the civil service of the state of Ohio, the several counties, cities and city school districts thereof, and to repeal sections 4412, 4477, 4478, 4479, 4480, 4481, 4482, 4483, 4484, 4485, 4486, 4487, 4488, 4489, 4490, 4491, 4492, 4493, 4494, 4495, 4496, 4497, 4498, 4499, 4500, 4501, 4502, 4503, 4504, 4505, 7690-1, 7690-2, 7690-3, 7690-4, 7690-5, 7690-6, 12895, 12896, of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 486-1. Definitions.

SECTION 1. DEFINITIONS. 1. The term "civil service" includes all officers and positions of trust or employment, including mechanics, artisans and laborers in the service of the state and the counties, cities and city school districts thereof.

2. The "state service" shall include all such offices in the service of the state or the counties thereof, except the cities and city school districts.

3. The term "state commission" signifies the state civil service commission of Ohio.

4. The term "municipal commission" signifies the municipal civil service commission of a city.

5. The term "appointing officer" signifies the officer, commission, board, or body having the power of appointment to or removal from positions in any office, department, commission, board or institution.

6. The term "employe" or "subordinate" signifies any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer.

Section 486-2. Method of appointment.

SECTION 2. METHOD OF APPOINTMENT. On and after January 1, 1914, appointments to and promotions in the civil service of this state and the counties, cities and city school districts thereof shall be made only according to merit and fitness to be ascertained as far as practicable by examination which, as far as practicable, shall be competitive; and on and after January 1, 1914, no person shall be appointed, removed, transferred, laid off, suspended, rein-

stated, promoted or reduced as an officer or employee in the civil service under the government of this state, the counties, cities and city school districts thereof, in any manner or by any means other than those prescribed in this act.

Section 486-3. SECTION 3. COMMISSIONERS. Within ten days after this act goes into effect the governor shall appoint, by and with the advice and consent of the senate, three persons of recognized character and ability to serve, one for two years, one for four years, and one for six years, as civil service commissioners, who shall constitute the state civil service commission of Ohio. Upon the expiration of the term of office of each commissioner so appointed, his successor shall be appointed by the governor to serve for a period of six years from the date of his appointment, and until a successor is appointed and has qualified. A vacancy in the office of commissioner shall be filled by the governor for the remainder of the unexpired term.

Commissioners; appointment, term, vacancy, removal.

The governor may remove any member of the state civil service commission of Ohio at any time for inefficiency, neglect of duty, or malfeasance in office, having first given to such commissioner a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense, and any such act of removal by the governor shall be final.

A statement of the findings of the governor, the reasons for his action and the answer, if any, of the commissioner, shall be filed by the governor with the secretary of state and shall be open to public inspection. At the time of any appointment not more than two commissioners shall be adherents of the same political party. No commissioner shall hold any other office of profit under the government of the United States, the state of Ohio, or any political subdivision thereof.

Section 486-4. SECTION 4. SALARIES AND EXPENSES. Each commissioner shall receive an annual salary of two thousand five hundred ($2500) dollars, and his necessary traveling expenses incurred in the discharge of his official duties. But the commissioners may grant to the president of the commission additional compensation not exceeding one thousand five hundred ($1500) dollars per annum on condition that he give all of his time to the work assigned to him by the commission.

Salaries and expenses.

Section 486-5. SECTION 5. ORGANIZATION AND EXPENSES. The commission shall designate one of its members as president, and shall employ a chief examiner who shall be ex-officio secretary, whose duty it shall be, under the direction of the commission, to keep the minutes of the proceedings of the commission, preserve all reports made to the commission, keep the records of all examinations, superintend the examinations, and perform such other duties as the commission shall prescribe. The salary of the chief examiner shall be fixed by the commission, subject to the approval of the governor. Two members of the commission shall constitute a quorum for the transaction of business.

Organization, record of proceedings, appointment of examiners, clerks, etc., expenses.

The commission may also appoint such examiners, inspectors, clerks and other assistants as may be necessary to carry out the provisions of this act, and fix their salaries. The commission may designate persons in or out of the official service of the state to serve as examiners or assistants under its direction. Each such person shall receive such compensation for each day actually and necessarily spent in the discharge of his duty as examiner or assistant as shall be determined by the commission; provided, however, that if any such examiner or assistant is in the official service of the state, or any political subdivision thereof, it shall be a part of his official duty to render such services in connection with such examinations without extra compensation. The chief examiner, examiners, inspectors, clerks and assistants shall, in addition to their salaries, receive such necessary traveling and other expenses as are incurred in the actual discharge of official duties. The commission may also incur necessary expenses for stationery, printing and other incidentals. All salaries and expenses shall be approved and allowed by the commission and paid out of the treasury of the state on the warrant of the auditor, in the same manner as the salaries and expenses of other state officers are paid.

Section 486-6. Rooms and accommodations.

SECTION 6. ROOMS AND ACCOMMODATIONS. The commission shall maintain suitable offices in the city of Columbus; and it shall be the duty of the officers of the state, or of any civil division thereof, at any place where examinations are directed to be held by the commission, to allow the reasonable use of public buildings and rooms, to heat and light the same for holding such examinations, and in all proper ways to facilitate the work of the commission in carrying out the provisions of this act.

Section 486-7. Powers and duties.

SECTION 7. POWERS AND DUTIES. The commission shall,

First: Prescribe, amend and enforce rules for carrying into effect section 10 of article XV of the constitution of Ohio and the provisions of this act, and such rules shall have the force and effect of law.

Second: Keep minutes of its own proceedings and records of its examinations and other official actions. All such records, except recommendations of former employers shall be open to public inspection under reasonable regulations; provided, that the governor or any person designated by him may, for purposes of investigation, have free access to all such records, whenever he has reasons to believe that the law or the rules of the commission are being violated.

Third: Make investigations, either sitting as a body, or through a single commissioner, the chief examiner, or through a local public official or other person designated by the commission, concerning all matters touching the enforcement and effect of this act and the rules prescribed thereunder. In the course of such investigations each com-

missioner, the chief examiner, or such local public official or other person as the commission shall designate, shall have power to administer oaths and affirmations and to take testimony relative to any matter which the commission has authority to investigate.

Fourth: Have power to subpoena and require the attendance in this state of witnesses and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require in relation to any matter which it has authority to investigate. Fees shall be allowed to witnesses, and on their certificate, duly audited, shall be paid by the state treasurer, for attendance and traveling, as provided in section 3012 of the General Code for witnesses in courts of record. All officers in the civil service of the state or the political subdivisions thereof and their deputies, clerks, subordinates and employes shall attend and testify when requested so to do by the commission. Depositions of witnesses residing within or without the state may be taken by the commission in the manner prescribed by law for like depositions in civil action in the court of common pleas. In case of disobedience thereto, or neglect by any person of any subpoena issued by the commission, or any of them, or their chief examiner, or any local official or other person appointed by them to make the investigation, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the court of common pleas of any county, or of any judge thereof where such disobedience, neglect or refusal occurs, on application of the commission or any commissioner to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Fifth: Make a report to the governor annually, on or before the first day of January of each year, and whenever requested by him, showing its own action, the rules and all exceptions thereto in force, and any recommendations which the commission may have for the more effectual accomplishment of the purposes of this act. Such reports shall be printed for public distribution, under the same regulations as are the reports of other state officers, boards or commissions.

Section 486-8.

SECTION 8. SERVICE—UNCLASSIFIED. The civil service of the state of Ohio and the counties, cities and city school districts thereof shall be divided into the unclassified service and the classified service.

Positions included in unclassified service.

(a). The unclassified service shall comprise the following positions which shall not be included in the classified service, except as otherwise provided in section 19 hereof:

1. All officers elected by popular vote.

2. All heads of principal departments, boards and commissions appointed by the governor or by and with his

consent or by the mayor, or if there be no mayor such other similar chief appointing authority of any city or city school district.

3. All officers elected by either or both branches of the general assembly.

4. All election officers.

5. All commissioned, non-commissioned officers and enlisted men in the military service of the state.

6. All presidents, superintendents, directors, teachers and instructors in the public schools, colleges and universities; the library staff of any library in the state supported wholly or in part at public expense.

7. Two secretaries or assistants or clerks for each of the elective and principal executive officers, boards or commissions, except civil service commissions, authorized by law to appoint such a secretary, assistant or chief clerk.

8. The deputies of elective or principal executive officers authorized by law to act generally for and in place of their principals and holding a fiduciary relation to such principals.

9. Bailiffs of courts of record.

10. Employees and clerks of boards of deputy state supervisors and inspectors of elections.

Persons included in classified service; competitive class.

(b) The classified service shall comprise all persons in the employ of the state, the counties, cities and city school districts thereof, not specifically included in the unclassified service, to be designated as the competitive class.

1. The competitive class shall include all positions and employments now existing or hereafter created in the state, the counties, cities and city school districts thereof, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction, as provided in sections 15, 16 and 17 of this act and the rules of the commission, by appointment from those certified to the appointing officer in accordance with the provisions of section 13 of this act.

Appointments or employment from competitive class.

Section 486-9. SECTION 9. RULES AND CLASSIFICATION. Within six months after the taking effect of this act, the commission shall put into effect rules for the classification of offices, positions and employments in the classified service of the state and the counties thereof; for appointments and promotions, transfers, lay offs, suspensions, reductions, reinstatements, and removals therein and examinations and registrations therefor, and for maintaining and keeping records of the efficiency of officers and employes in accordance with the provisions of this act. Due notice of the contents of such rules and of all changes thereof shall be given to appointing officers affected thereby, and such rules shall also be printed for public distribution.

Rules and classification.

Section 486-10. SECTION 10. EXAMINATIONS. All applicants for positions and places in the competitive classified service shall be subject to examination which shall be public, competitive

Examinations; notice of time and place.

and free for all, with specified limitations, determined by the commission as to citizenship, residence, age, sex, experience, health, habits and moral character. Such examinations shall be practical in character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position for which appointment is sought, and shall, when appropriate, include tests of physical qualifications, health and manual skill.

The state commission shall have control of all examinations, except as otherwise provided in this act. No questions in any examination shall relate to political or religious opinions or affiliations. Reasonable notice of time and place, and general scope of every competitive examination for appointment to a position in the competitive class, except as otherwise provided in section 13 of this act, shall be given by the commission. Written or printed notices of every examination for the state service shall be sent by the commission to the county clerk of each county in the state and to the city clerk of each municipality of the state, and by him promptly upon its receipt, shall be posted in a conspicuous place respectively in the court house of the county or in the city hall of the municipality. Such notices shall also be posted in a conspicuous place in the commission's office for at least two weeks before such examinations. In case of examinations limited by the commission to a district, county or city, the commission shall provide in its rules for adequate publicity of such examinations in the district, county or city within which competition is permitted.

Non-competitive examinations.

The incumbents of all offices and places in the competitive classified service, except those holding their positions under existing civil service laws, shall, whenever the commission shall require, and within twelve months after the rules adopted by the commission go into effect, be subject to non-competitive examinations as a condition of continuing in the service. Reasonable notice of all such non-competitive examinations shall be given in such manner as the commission may require and all such non-competitive examinations shall conform in character to those of the competitive service.

Section 486-11. SECTION 11. APPLICATIONS. The commission shall require persons applying for admission to any examination provided for under this act or under the rules of the commission, to file with the commission within a reasonable time prior to the proposed examination a formal application, in which the applicant shall state under oath or affirmation:

What statements applications shall contain.

(1). Full name, residence and postoffice address.

(2). Nationality, age and place and date of birth.

(3). Health and physical capacity for public service.

(4). Business and employments and residences for the five previous years.

(5). Such other information as may be reasonably required touching the applicant's merit and fitness for the

public service; but no inquiry shall be made as to any religious opinions or political affiliations of the applicant.

Blank forms for such applications shall be furnished by the commission without charge to all persons requesting the same. The commission may require in connection with such application such certificate of citizens, physicians or others having knowledge of the applicant, as the good of the service may demand. The commission may refuse to examine an applicant, or after an examination to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or who is physically so disabled as to be rendered unfit for the performance of the duties of the position which he seeks, or who is addicted to the habitual use of intoxicating liquors or drugs to excess, or who has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made false statements of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in establishing his eligibility or securing his appointment.

Power of commission to refuse examination of applicant or certify eligible.

Section 486-12. Eligible lists.

SECTION 12. ELIGIBLE LISTS. From the returns of the examinations the commission shall prepare an eligible list of the persons whose general average standing upon examinations for such grade or class is not less than the minimum fixed by the rules of the commission, and who are otherwise eligible; and such persons shall take rank upon the eligible list as candidates in the order of their relative excellence as determined by examination without reference to priority of time of examination. In the event of more than one applicant receiving the same mark at an examination, priority in time of application shall determine the order in which their names shall be placed on the eligible list. The term of eligibility for each list shall be fixed by the commission at not less than one nor more than four years.

Section 486-13. Appointments.

SECTION 13. APPOINTMENTS. The head of a department, office or institution in which a position in the competitive classified service is to be filled shall notify the commission of the fact, and the commission shall, except as provided in section 15 hereof, certify to him the names and addresses of the three candidates standing highest on the eligible list, for the class or grade to which said position belongs. When such eligible list becomes exhausted and until a new list can be created or when no eligible list for such position exists, names shall be certified from eligible lists most nearly appropriate for the groups in which the position to be filled is classified. A person certified from an eligible list more than three times to the same appointing officer for the same or similar position may be omitted from future certifications to such officer, provided that certification for a temporary appointment shall not be counted as one of such certifications. The appointing officer shall notify said commission of each position to be filled separately, and shall fill such position by appointment of one

of three persons certified to him by the commission therefor. All original and promotional appointments shall be for a probationary period of not to exceed three months to be fixed by the rules, and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his probationary period. At the end of the probationary period the appointing officer shall transmit to the civil service commission a record of the employe's service, and if such service is unsatisfactory, the employe may with the approval of the commission, be removed or reduced without restriction; but dismissal or reduction may be made during such period as provided in section 17 hereof.

Section 486-14. Temporary and exceptional appointments.

Section 486-14. SECTION 14. TEMPORARY AND EXCEPTIONAL APPOINTMENTS. Positions in the competitive class may be filled without competition only as follows:

1. Whenever there are urgent reasons for filling a vacancy in any position in the competitive class and the commission is unable to certify to the appointing officer upon requisition by the latter a list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the commission for non-competitive examination, and if such nominee shall be certified by the said commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until regular appointment can be made from eligible lists prepared by the commission, and such eligible lists shall be prepared within ninety days thereafter. In case of an emergency an appointment may be made without regard to the rules of this act, but in no case to continue longer than ten days, and in no case shall successive emergency appointments be made.

2. In case of vacancy in a position in the competitive class where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the commission may suspend the provisions of the statute requiring competition in such case, but no suspension shall be general in its application to such place, and all such cases of suspension shall be reported in the annual report of the commission with the reasons for the same.

3. Where the services to be rendered by an appointee are for a temporary period not to exceed one month, and the need of such service is important and urgent, the appointing officer may select for such temporary service any person on the proper list of those eligible for the permanent appointment without regard to his standing on such list.

Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

Section 486-15.

SECTION 15. PROMOTION. Vacancies in positions in the competitive class shall be filled so far as practicable by promotions. The commission shall provide in its rules for keeping a record of efficiency for each employe in the competitive classified service, and for making promotions in the competitive classified service on the basis of merit, to be ascertained as far as practicable by promotional examinations, by conduct and capacity in office, and by seniority in service; and shall provide that vacancies shall be filled by promotion in all cases where, in the judgment of the commission, it shall be for the best interest of the service so to fill such vacancies. All examinations for promotion shall be competitive. In promotional examinations efficiency and seniority in service shall form a part of the maximum mark attainable in such examination. In all cases where vacancies are to be filled by promotion, the commission shall certify to the appointing power only the name of the person having the highest rating. The method of examination for promotions, the manner of giving notice thereof, and the rules governing the same shall be in general the same as those provided for original examinations.

Promotions; examinations.

Section 486-16.

SECTION 16. TRANSFERS AND REINSTATEMENTS. With the consent of the commission, a person holding an office or position in the classified service may be transferred to a similar office or position in another office, department or institution having the same pay and similar duties; but no transfer shall be so made from an office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by this act, or the rules adopted pursuant thereto, an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by such person.

Transfer and reinstatements.

Any person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct on his part may, with the consent of the commission, be reinstated within one year from the date of such separation to a vacancy in the same or similar office or position in the same department; and whenever any permanent office or position in the classified service is abolished or made unnecessary, the person holding such office or position shall be placed by the commission at the head of an appropriate eligible list, and for a period of not to exceed one year shall be certified to an appointing officer as in the case of original appointments.

Section 486-17. SECTION 17. REDUCTIONS, SUSPENSIONS AND REMOVALS. No person shall be discharged from the classified service, reduced in pay or position, laid off, suspended or otherwise discriminated against by the appointing officer for religious or political reasons. In all cases of discharge, lay off, reduction or suspension of a subordinate, whether appointed for a definite term or otherwise, the appointing officer shall furnish the subordinate discharged, laid off, reduced, or suspended with a copy of the order of discharge, lay off, reduction, or suspension, and his reasons for the same, and give such subordinate a reasonable time in which to make and file an explanation. Such order together with the explanation, if any, of the subordinate shall be filed with the commission.

Reductions, suspensions and removals.

Nothing in this act shall limit the power of an officer to suspend without pay, for purposes of discipline, a subordinate for a reasonable period, not exceeding thirty days; provided, however, that successive suspensions shall not be allowed.

Section 486-18. SECTION 18. EFFICIENCY. The commission shall from time to time make investigations for the purpose of ascertaining the duties imposed by law and practice upon each officer and employe in the classified service, the manner in which such duties are performed, the cost thereof, and such other facts as will enable the commission to determine the efficiency of such officers and employes. The commission shall establish grades in the service, based upon similarity of duties and salaries, and shall standardize employment in each grade; shall prescribe factors or quantities to be used in marking the relative efficiency of each officer and employe in such grades; shall fix standards of efficiency to be maintained by officers and employes; and shall keep a record of the efficiency markings for each officer and employe in the classified service.

Efficiency; establishment of grades.

All officers and employes in the state, the counties and cities and city school districts thereof, whether in the classified service or not, shall promptly and correctly report to the commission any information required by the rules of the commission relative to the conduct, capacity, and efficiency of any officer or employe in the classified service under his supervision. The records, reports and markings of efficiency in each department, office and institution shall be open at all times to inspection by the commission and shall be subject to review and correction by the commission. The efficiency records of the commission respecting each department, board, commission or institution shall be open to the heads of such department, board, commission or institution; and each officer and employe shall have the right to be informed of the efficiency markings recorded for him by the commission.

Duties of officers and employes; efficiency records.

The commission shall report to the officer in charge of a department, board, commission or institution its findings and recommendations relative to increasing the efficiency therein and all cases of failure of officers or employes there-

in to maintain a satisfactory efficiency record, which failure shall be sufficient ground for the dismissal of any such officer or employe. Such reports shall be deemed public records.

Section 486-19. Municipal civil service commission; appointment, term, vacancies, duties, removal.

SECTION 19. MUNICIPAL CIVIL SERVICE. The mayor or other chief appointing authority of each city in the state shall appoint three persons, one for a term of two years, one for four years, and one for six years, who shall constitute the municipal civil service commission of such city and of the city school district in which such city is located; provided, however, that members of existing municipal civil service commissions shall continue in office for the terms for which they have been appointed and that their successors, the first appointees of the mayor or other chief appointing authority of such city, shall be appointed to serve respectively for four years, five years and six years and until their successors are appointed and have qualified. Each alternate year thereafter the mayor or other chief appointing authority shall appoint one person as successor of the member whose term expires to serve six years and until his successor is appointed and has qualified. A vacancy shall be filled by the mayor or other chief appointing authority of a city for the unexpired term. At the time of any appointment not more than two commissioners shall be adherents of the same political party. Such municipal civil service commission shall prescribe, amend and enforce rules not inconsistent with the provisions of this act for the classification of positions in the civil service of such city and city school district, for examinations and registrations therefor, and for appointments, promotions, transfers, lay offs, suspensions, reductions and reinstatements therein, for standardizing positions and maintaining efficiency therein. Said municipal commission shall have and exercise all other powers and perform all other duties with respect to the civil service of such city and city school district, as herein prescribed and conferred upon the state civil service commission with respect to the civil service of the state; and all authority granted to the state commission with respect to the service under its jurisdiction shall be held to grant the same authority to the municipal commission with respect to the service under its jurisdiction. The expense and salaries of any such municipal commission shall be determined by the council of such city and a sufficient sum of money shall be appropriated each year to carry out the provisions of this act in any such city.

If the appointing authority of any such city fails to appoint a civil service commission or commissioner as provided by law within sixty days after he has the power to so appoint, or after a vacancy exists, the state civil service commission shall make the appointment, and such appointee shall hold office until the expiration of the term of the appointing authority of such city and until the successor of such appointee is appointed and qualified. If any such municipal commission fails to prepare and submit such

rules and regulations in pursuance of the provisions of this act within six months after this act goes into effect, the state civil service commission shall forthwith make such rules. The provisions of this act shall in all other respects, except as provided in this section, be in force and full effect in such cities.

The placing of additional officers in the classified list in any such city in addition to those specified in section 8 hereof, when approved by the chief executive authority of such city, shall not be deemed inconsistent with the provisions of this act.

It shall be the duty of each municipal civil service commission, to make reports from time to time as the state commission may require, of the manner in which the law and the rules and regulations thereunder have been and are being administered, and the results of their administration in such city and city school district. A copy of the annual report of each such municipal commission shall be filed in the office of the state commission as a public record.

Whenever the state commission shall have reason to believe that a civil service commission of any city is violating or is failing to perform the duties imposed upon it by law, or that any member of such municipal commission is wilfully or through culpable negligence violating the provisions of the law or failing to perform his duties as a member of such commission, it may institute an investigation, and if it shall find any such violation or failure to perform the duties imposed by law, it shall make a report of such violation in writing to the chief executive authority of such city, which report shall be a public record. The chief executive authority of such city may at any time remove any municipal civil service commissioner for inefficiency, neglect of duty, or malfeasance in office, having first given to such commissioner a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense, and any such act of removal shall be final.

The mayor shall have the exclusive right to suspend the chief of the police department or the chief of the fire department for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given him by the proper authority or for any other reasonable and just cause. If either the chief of police or chief of the fire department is so suspended the mayor forthwith shall certify such fact, together with the cause of such suspension, to the civil service commission, who within five days from the date of receipt of such notice shall proceed to hear such charges and render judgment thereon, which shall be final.

Section 486-20. SECTION 20. CIVIL SERVICE DISTRICTS. For the purpose of administration, the state civil service commission may divide the state into civil service districts and establish an officer in each of such districts. The commission

Civil service districts.

may place in charge of each such district an assistant, whose duties and compensation shall be determined and fixed by the rules of the commission.

Section 486-21. Payrolls.

SECTION 21. PAY ROLLS. After the expiration of twelve months from the taking effect of this act, it shall be unlawful for the auditor of state, or for any fiscal officer of any county, city or city school district thereof, to draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the state, or of any county, city or city school district thereof, to pay any salary or compensation to any officer, clerk, employe, or other person in the classified service unless an estimate, payroll or account for such salary or compensation containing the name of each person to be paid, shall bear the certificate of the state civil service commission, or in case of the service of a city the certificate of the municipal service commission of such city, that the persons named in such estimate, payroll or account have been appointed, promoted, reduced, suspended or laid off or are being employed in pursuance of this act, and the rules adopted thereunder.

Any sum paid contrary to the provisions of this section may be recovered from any officer or officers making such appointment in contravention of the provisions of law and of the rules made in pursuance of law; or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on his official bond, in an action in the courts of the state, maintained by a citizen resident therein. All moneys recovered in any action brought under the provisions of this section must, when collected, be paid into the treasury of the state or appropriate civil division thereof, except that the plaintiff in any action shall be entitled to recover his own taxable costs of such action.

Section 486-22. Investigations.

SECTION 22. INVESTIGATIONS. Whenever a civil service commission shall have reason to believe that any officer, board, commission, head of department or person having the power of appointment, lay off, suspension or removal, has abused such power by making an appointment, lay off, suspension, or removal in violation of the provisions of this act, it shall be the duty of the commission to make an investigation, and if it shall find that any such violation of the provisions or the intent and spirit of this act has occurred, it shall make a report thereof to the governor, or in the case of a municipal officer or employe to the mayor or other chief appointing authority, who shall have the power to remove forthwith such guilty officer, board, commission, head of department, or person; an opportunity first having been given to such officer or employe of being publicly heard in person or by counsel, in his own defense.

Section 486-23. Political assessments.

SECTION 23. POLITICAL ASSESSMENTS. No officer or employe in the classified service of the state, the counties and cities and city school districts thereof, shall directly

or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or for any candidate for public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution or payment from any officer or employe in the classified service of the state, the counties or the cities or city school districts thereof; nor shall any officer or employe in the classified service of the state and the counties, cities and city school districts thereof be an officer in any political organization or take part in politics other than to vote as he pleases and to express freely his political opinions.

Section 486-24. SECTION 24. FRAUDS IN EXAMINATION PROHIBITED. No person or officer shall wilfully or corruptly by himself or in co-operation with one or more persons defeat, deceive or obstruct any person in respect of his or her right of examination, appointment or employment according to this act, or to any rules or regulations prescribed pursuant thereto; or wilfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this act, or aid in so doing; or wilfully or corruptly make any false representations concerning the same, or concerning the person examined; or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified; or personate any other person, or permit or aid in any manner any person to personate him, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed; or who shall furnish any false information about himself, or any other person, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed. Frauds in examination prohibited.

Section 486-25. SECTION 25. PAYMENT FOR PLACES PROHIBITED. No applicant for appointment or promotion in the classified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person upon the consideration of any political service to be rendered, for or on account of his appointment or promotion, or proposed appointment or promotion. Payment for places prohibited.

Section 486-26. SECTION 26. ABUSE OF OFFICIAL POWER. No officer or enploye of the state, and the counties, cities and city school districts thereof shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employe in the classified service, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money or other valuable thing for any party or political purpose, Abuse of official power.

or for refusal or neglect to render any party or political service.

Section 486-27. Abuse of political influence.

SECTION 27. ABUSE OF POLITICAL INFLUENCE. No person who holds any public office, or who has been nominated for, or who seeks a nomination or appointment to any public office shall corruptly use or promise to use either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office, or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment or promotion.

Section 486-28. Penalty for violations.

SECTION 28. VIOLATIONS. Whoever, after a rule has been duly established and published by any civil service commission according to the provisions of this act, makes an appointment to office or selects a person for employment contrary to the provisions of such rule, or wilfully refuses or neglects otherwise to comply with or to conform to, the provisions of this act or wilfully violates any of such provisions, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a term not to exceed six months or both. If any person so convicted shall hold any public office or place of public employment such office or position shall by force of such conviction be rendered vacant.

Section 486-29. Taxpayer's right of action.

SECTION 29. TAXPAYERS' RIGHT OF ACTION. The right of any taxpayer to bring any action to restrain the payment of compensation to any person appointed to or holding any office or place of employment in violation of the provisions of this act, shall not be limited or denied by reason of the fact that said office or place of employment shall have been classified, as, or determined to be, not subject to competitive examination; provided, however, that any judgment or injunction granted or made in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the civil service rules in force at the times of such payments.

Section 486-30. Who shall prosecute.

SECTION 30. PROSECUTIONS. Prosecution for the violation of this act or the rules and regulations of the state commission shall be instituted by the attorney general or by the state commission acting through special counsel or by the county prosecutor for the county in which the offense is alleged to have been committed; and prosecution for violations of this act and the rules of any municipal commission by any officer or employe of such city, shall be instituted by such municipal commission through the legal department of such city or by such municipal commission acting through special counsel.

Section 486-31. SECTION 31. SCHEDULE.. All officers and employes in the classified service of the state, the counties, cities and city school districts thereof holding their positions under existing civil service laws, shall when this act takes effect, be deemed appointees under the provisions of this act. All existing eligible lists shall continue in force for the term of eligibility to be fixed by the commission as provided herein; and all records of existing commissions shall become the property of the commissions appointed hereunder. Municipal civil service commissions now in office shall continue to perform their duties under the provisions of sections 4412, 4477, 4505, 7690-1, 7690-6, 12895 and 12896 of the General Code and the rules prescribed thereunder until rules are provided in compliance with the provisions of this act. Schedule.

SECTION 32. REPEAL. Sections 4381, 4412, 4477, 4478, 4479, 4480, 4481, 4482, 4483, 4484, 4485, 4486, 4487, 4488, 4489, 4490, 4491, 4492, 4493, 4494, 4495, 4496, 4497, 4498, 4499, 4500, 4501, 4502, 4503, 4504, 7690-1, 7690-2, 7690-3, 7690-4, 7690-5, 7690-6, 12895, 12896, of the General Code, and all other acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repeals.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
291 G.

[Senate Bill No. 239.]

AN ACT

Defining, for the purpose of taxation, the term "gross premiums" as applied to mutual fire insurance companies receiving premium deposits in excess of the cost of insurance to the insured, and returning such excess ratably to their policy holders.

Be it enacted by the General Assembly of the State of Ohio:

Section 5433-1. SECTION 1. For the purpose of computing franchise taxes, on gross premiums, to be paid under any law of this state, now or hereafter in force, by any mutual fire insurance company authorized to do business under the laws of this state, the amount of premium deposits received by such company upon any risk within this state in excess of the net cost of insurance to the insured, shall not be included where such excess deposit is returned ratably by such company to its policy holders; but the amount of gross or aggregate premiums received by any such company shall be Term "gross premiums" defined for taxation purposes.

deemed to be the balance remaining after deducting from the gross amount of premium deposits received or collected by it on risks in this state during the preceding calendar year ending on the thirty-first day of December, that portion of gross premium deposits returned by it to policy holders during said preceding calendar year, upon the cancellation or expiration of risks upon property situated within this state. In addition to the matters of return required to be made by insurance companies for the purpose of computing taxes, any such company shall also return for such purpose in its annual statement:

What annual statement shall show.

(a) The total gross amount of premium deposits received or collected by it on risks in this state during the preceding calendar year ending on the thirty-first day of December;

(b) The total amount of gross premium deposits returned to policy holders during such preceding calendar year upon cancellation and upon expiration of risks upon property situated within this state.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
292 G.

[Senate Bill No. 266.]

AN ACT

To permit a company or association organized for the purpose of transacting the business of life or accident or life and accident insurance on the assessment plan, to amend its articles of incorporation and constitution and by-laws, so as to permit it to transact the business of life incurance as a mutual company on the legal reserve or level premium plan, and prohibiting the doing of business on the assessment plan, except by companies or associations already authorized so to do.

Be it enacted by the General Assembly of the State of Ohio:

Section 9429-1.

Authorizing certain insurance companies to amend articles of incorporation so as to change plan of insurance.

SECTION 1. That, any company or association organized under authority of section 9427 General Code for the purpose of transacting the business of life or accident or life and accident insurance on the assessment plan, as provided therein, may, with the consent in writing of a majority of its members, and upon the vote of the majority of its directors or trustees therefor, and also with the written approval of the superintendent of insurance, amend its articles of incorporation and its constitution and by-laws in such a manner as to permit it to transact the business of

life insurance on the legal reserve or level premium plan as a mutual company without capital stock, and, upon procuring from the superintendent of insurance a certificate of authority to transact business on the legal reserve or level premium plan, shall incur the obligations and enjoy the benefits thereof as provided by the laws of this state, as though it had thus been originally incorporated, and thereafter shall cease to receive members and issue certificates on the assessment plan; such corporation, under its articles of incorporation, as amended, shall be a continuation of the original corporation, and the officers at the time of such amendment shall serve through the terms for which they have been elected, but their successors shall be elected and serve for such terms and perform such duties as shall be provided in the constitution and by-laws of such association after such amendment. The amendment of the articles of incorporation, as herein provided, together with the amendment of the constitution and by-laws of such association, shall not affect existing suits, rights or contracts. Any such company or association may amend its articles of incorporation and its constitution and by-laws, as herein provided, so as to enable it to transact the business of legal reserve or level premium life insurance on the mutual plan, without capital stock, and in such case the provisions of sections 9339 to 9409 General Code, insofar as the same relate to capital stock of legal reserve companies, shall not apply to such company or association, and thereupon such company or association shall deposit with the superintendent of insurance funds to the amount of one hundred thousand dollars held by it for the protection of its members and policy holders, of the character specified in section 9357 General Code; said deposit to be held by the superintendent of insurance in trust for the benefit and security of all of the members and policy holders of such company or association. All contracts and certificates issued prior to the amendment of the articles of incorporation and constitution and by-laws, as herein provided, shall be valued as one year term insurance at the ages attained, according to the standard of valuation specified for life insurance policies by the laws of this state. At the time of the amendment of its articles of incorporation, such company shall compute, in a manner satisfactory to the superintendent of insurance, the value of each member's interest in the funds of such company, and shall at the time of such amendment, notify each member of the amount standing to his credit, and shall give to each of its members the right to exchange his certificate for a policy upon the legal reserve basis; within six months after the receipt of said notice, each member shall declare, in writing, whether (1) he elects to take a legal reserve policy, which shall not exceed in amount the maximum amount payable to beneficiary on such member's certificates, unless such limitation is expressly waived by such company or association, the premiums on which shall

Deposit with superintendent of insurance for protection of policy holders.

be reduced each year by the annuity purchasable by his credit in the funds of the company or association; or whether (2) he elects to retain his original certificate; in the latter case, or if he fails to make an election within the time specified, the assessments shall be levied and collected as provided in the constitution and by-laws of such company or association in force at the time of the amendment of the articles of incorporation.

Section 9429-2. Separate annual statements to superintendent of insurance.

SECTION 2. Such company or association so amending its articles of incorporation and its constitution and by-laws, shall be subject to sections 9428 and 9429 General Code as to its organization and government and shall make separate annual statements to the superintendent of insurance of the business transacted by it under the assessment plan, as required by section 9430 General Code, and of the business transacted by it under the level premium or legal reserve plan, as required by section 9363 General Code.

Section 9429-3. Sections not applicable.

SECTION 3. Sections 8720 to 8723, inclusive, of the General Code shall not apply to companies or associations amending their articles of incorporation as herein provided.

Section 9429-4. Assessment plan companies not permitted to do business in this state; exceptions.

SECTION 4. No company or association transacting the business of life insurance on the assessment plan, other than fraternal beneficiary associations, shall do business within this state, except such companies as are now authorized to do business within this state and which shall value their assessment policies or certificates of membership as yearly renewable term policies, according to the standard of valuation of life insurance policies prescribed by the laws of this state.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
293 G.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[Senate Bill No. 2.]

AN ACT

Relative to resident and non-resident hunter's license and to repeal sections 1421, 1422, 1423 and 1424 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 1421.

SECTION 1. No person shall hunt, pursue or kill with a gun any wild bird or wild animal within this state without having first applied for and received a hunter's license and paid the fee, as required herein. Every applicant for a hunter's license who is a non-resident of the state of Ohio

and who is a citizen of the United States of America, shall pay a fee of fifteen dollars ($15) to the officer issuing the same. Every applicant for hunter's license who is a citizen of the United States of America, and a resident of the state of Ohio, shall pay a fee of one dollar ($1), provided that the owner, tenant or children of the owner, manager or tenant of lands within this state may hunt upon such lands without a hunter's license.

Hunter's license, resident and non-resident; fees.

Section 1422. SECTION 2. Hunter's license shall be issued by the clerks of common pleas courts and township clerks. Every applicant for a hunter's license shall make and subscribe an affidavit, setting forth his name, age, occupation, place of residence, personal description, and citizenship, and the officer authorized to issue licenses may charge each applicant a fee of twenty-five cents (25c) for taking such affidavit, issuing such license and attaching his seal of office thereto, and clerks of common pleas courts to whom such application is made is hereby empowered and required to administer the oath and to take and certify the affidavit herein required and to collect and receive the fees therefor as herein provided. The application, license and other blanks required by this act shall be prepared and furnished by the commissioners of fish and game and such blanks shall be of different color each year in such form as they may prescribe to the clerk authorized to issue same, and such license shall be issued applicants by said clerks. The record of licenses kept by said clerk shall be uniform throughout the state and in such form or manner as the state auditor shall prescribe, and be open at all reasonable hours to the inspection of any person. Each such license shall expire on the 31st day of December next after its issuance. The commissioners of fish and game or the court before whom the case is tried as a part of the punishment shall revoke the license of any person or persons convicted of violating any laws for the protection of birds, game birds or game animals, and the license fee paid by such person shall be forfeited to the state and no license shall be granted to such person until the expiration of one year after the date of his conviction. Persons under sixteen years of age shall not be allowed to hunt under the provisions of this act, unless accompanied by their parent or other person in loco parentis.

By whom hunter's license issued; affidavit.

Record of licenses; expiration, revocation.

Section 1423. SECTION 3. Officers authorized to issue license shall keep a record of such licenses issued and make a report to the commissioners of fish and game quarterly, on March 31st, June 30th, September 30th and December 31st, in such form as said commissioners shall require, of the number of licenses issued together with the name and address of the person to whom issued, and shall transmit with such report to the president of the fish and game commissioners; the moneys received as license fees, other than the amounts paid to clerks as their fees, which shall be paid into the state treasury to the credit of a fund which is hereby appropriated for the use of the commissioners of fish and game

Quarterly report of licenses issued to commissioners of fish and game.

How money derived from licenses shall be expended.

in the preservation and protection of birds, game birds, game animals and fish. At least fifty per cent. of the money arising from all such licenses shall be expended by the commissioners of fish and game for the purchase and propagation of game birds and game animals to be used in restocking sections where a scarcity of such birds exist and for establishing game preserves and the commissioners of fish and game are hereby empowered with the consent of the owners, to organize such lands so bounded that same may be conspicuously posted as such, into state game preserves under rules and regulations to be adopted by the said commissioners, and employ on such preserves a keeper or warden at such salaries and with such duties as may be prescribed by the said commissioners. And it shall be unlawful for any person at any time on any such game preserves, conspicuously posted, or with knowledge that the same is a game preserve, to hunt, kill or pursue any game birds or game animals.

Section 1424.

License not transferable; shall be exhibited to officer.

Badge bearing number of license.

SECTION 4. No hunter's license shall be transferable, and it shall be an offense for any hunter to carry a license issued in the name of another person or which does not contain the seal of the officer issuing the same. Every person shall, while hunting, carry with him his license and exhibit same to any game warden, constable, sheriff, deputy sheriff or police officer, or the owner or person in lawful control of the land upon which he may be hunting, or to any person, and failure and refusal to so carry or exhibit his license shall constitute an offense under this section. Such hunters shall also while hunting wear a badge conspicuously exposed bearing the same number as his license. Nothing in this act shall be construed as allowing any person to hunt on any land without the written consent of the owner thereof.

Each day that any person shall hunt within this state without first having procured the license herein required shall constitute an offense. The license granted hereunder shall entitle a non-resident to take with him from this state, game birds and game animals killed by him not to exceed twenty-five of one kind or twenty-five in the aggregate of all kind.

Section 1424-1.

Penalty.

SECTION 5. Whoever violates any of the provisions of this act shall be liable to the penalty prescribed by section 1445 of the General Code.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 6. That sections 1421, 1422, 1423 and 1424 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913. JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
294 G.

[Senate Bill No. 280.]

AN ACT

Making first mortgage loans security for the deposit of public moneys.

Be it enacted by the General Assembly of the State of Ohio:

Section 2288-1. SECTION 1. In addition to the undertakings or security provided for in sections 330-3, 2732, 4295 and 7607, it shall be lawful to accept first mortgages, or bonds secured by first mortgages bearing interest not to exceed six per cent. per annum, upon unincumbered real estate located in Ohio, the value of which is at least double the amount loaned thereon. If the amount loaned exceeds one-half of the value of the land mortgaged, exclusive of the structures thereon, such structures must be insured in an authorized fire insurance company, or companies, in an amount not less than the difference between one-half the value of the land, exclusive of the structures, and the amount loaned, and the policy or policies shall be assigned to the mortgagee. The value of such real estate shall be determined by valuation, made under oath, by two resident freeholders of the county where the real estate is located, who are conversant with real estate values. There shall be deposited with said mortgage, an abstract of title made by some competent person or persons or company, accompanied by the opinion of a competent attorney, which opinion shall certify that the mortgage is a first lien upon the premises mortgaged, or said title shall be guaranteed by a company organized under, and which has complied with the provisions of section 9850 of the General Code.

Mortgage loans security for deposit of public money.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
295 G.

[Senate Bill No. 298.]

AN ACT

To regulate the size and construction of all caboose cars used by any common carrier in this state.

Be it enacted by the General Assembly of the State of Ohio:

Section 8956-3. SECTION 1. Except as otherwise provided in this act, it shall be unlawful, from and after the first day of July, 1919, for any common carrier operating a railroad, in whole

Prescribing construction and equipment of caboose cars.

or in part, within this state, or any manager or division superintendent thereof to require or permit the use, upon such railroad, within this state, of any caboose car or other car used for like purpose, unless such caboose or other car shall be at least twenty-four feet in length, exclusive of platforms, and equipped with two four-wheel trucks suitable closets and cupola.

Section 8956-4.

SECTION 2. Whenever any such caboose car now in use upon any such railroad, shall, after this act goes into effect, be brought into any of the shops of such railroad for general repairs, it shall be unlawful to again put the same into the service of such railroad, within this state, unless it be equipped as provided in section one of this act.

Repaired caboose cars shall conform to provisions of this act.

Section 8956-5.

SECTION 3. Such common carrier shall, each year, from and after the first day of July, 1914, equip, in accordance with the provisions of this act, at least fifteen per cent. of the caboose cars in use on its railroad; but the public service commission is hereby authorized to grant to any common carrier, upon full hearing and for good cause shown, a reasonable extention of time in which to comply with the provisions of this act; provided that in no case shall such extension in the aggregate exceed the period of one year from the time herein limited for compliance with this act.

Percentage of cars to be so equipped each year.

Section 8956-6.

SECTION 4. Any person or common carrier violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

The sectional numbers on the margin hereof are designated as provided by law.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed April 28th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
296 G.

[House Bill No. 562.]

AN ACT

To provide for leasing of a further part of the Miami and Erie canal to the city of Cincinnati and to amend section 6 of the act of May 15, 1911, "To provide for leasing a part of the Miami and Erie canal to the city of Cincinnati as a public street or boulevard, and for sewerage and subway purposes."

Be it enacted by the General Assembly of the State of Ohio:

Section 14188-6a.

SECTION 1. In addition to the lease of parts of the Miami and Erie canal heretofore made to the city of Cincinnati, permission shall be given to the city of Cincinnati, in the manner hereinafter provided, to enter upon, improve

Authority to lease further part of Miami and Erie canal to Cincinnati.

and occupy, as a public street or boulevard or for sewerage, conduit, subway, street railway or electric railway or terminal purposes, or for any combination of such purposes, all that part of the Miami and Erie canal which extends from a point three hundred feet north of Mitchell avenue to a point in the city of St. Bernard one thousand (1,000) feet beyond the crossing of the canal by the tracks of the Baltimore and Ohio Southwestern Railroad Company, including the width thereof, as owned or held by the state; but such permission shall be granted subject to all outstanding rights or claims with which it may conflict, and upon the further terms and conditions of this act. No rights by way of appropriation shall be exercised or permitted as against such property.

Section 14188-6b. SECTION 2. Such permission shall be granted upon the further condition that the said city, in the uses aforesaid of all or any portion of said part of said canal, shall construct or cause to be constructed suitable and sufficient works for a convenient outlet for the discharge of the water of said canal at or near said point in the city of St. Bernard, so as not to obstruct the flow of water through the remaining part of such canal north of said point in St. Bernard, nor destroy or injure the present supply of water for mechanical or commercial purposes. Such outlet shall be constructed in accordance with plans and specifications to be drawn or approved by the state engineer, and the city of Cincinnati shall give bond in such sum as shall be prescribed by the state board of public works, or its successors, to be approved by the attorney general for the faithful performance of the work. And such permission shall be granted upon the further condition that said city shall adopt and construct appropriate works for the purpose of supplying water to the lessee users of water along that portion of the canal to be abandoned under the act of May 15th, 1911, being an act "To provide for a leasing a part of the Miami and Erie canal to the city of Cincinnati as a public street or boulevard, and for sewerage and subway purposes", in order to and for the purpose of enabling the state fully to carry out and discharge the obligations now resting upon it by virtue of certain contracts now subsisting and in force between it and said lessee water users, during the remainder of the terms of said contracts, in the same quantity and under the same conditions and at the same rate of rental provided for in said contracts, and provided further that during the period of construction of a street or subway or railway or terminal or of appropriate works for the purpose of supplying water to the said lessee users, said city of Cincinnati shall cause no cessation or diminution of the supply of water to the said lessee water users to which they are entitled under their respective contracts or leases with the state of Ohio except insofar as such cessation or diminution of such supply of water may be absolutely necessary.

Conditions.

Section 14188-6c. SECTION 3. The rental to be paid by the city of Cincinnati for said part of such canal shall be determined in the manner and by the method provided in sections 3 and 4 of the act of May 15, 1911, "To provide for leasing a part of the Miami and Erie canal to the city of Cincinnati as a public street or boulevard, and for sewerage and subway purposes.

How rental determined.

Section 14188-6d. SECTION 4. Upon approval by resolution of the council of said city of the amount of the valuation fixed on said portion of such canal by the board of arbitration or a majority of them, and upon the governor being satisfied that the interests of the state are fully protected and that the valuation placed upon such property is adequate, which fact shall be endorsed upon such lease by the governor, he shall execute and deliver to the city of Cincinnati a lease for ninety-nine years, renewable forever, which lease shall not be assignable, of such canal property so to be taken by the said city of Cincinnati for the uses and purposes before mentioned, and upon the terms and conditions specified in this act; and such lease shall contain covenants on the part of said city for payment of said rental to the state in equal semi-annual payments during such term of such lease, and for compliance with this act, and on the part of the state for quiet enjoyment of said city of Cincinnati of the demised premises, and the attorney general shall prepare such lease, and such lease shall contain the further provisions that if said city of Cincinnati fails, neglects or refuses to perform all or any of the terms and conditions of said lease, or fails, neglects or refuses to comply with each and every of the terms and provisions of this act, the said lease shall become null and void and said city and the users and occupiers of said property shall forfeit all rights in said lease and in the property located upon the land therein described and such other covenants and provisions as, in the judgment of the attorney general, will protect the interests of the state. In case the state of Ohio shall at any time build a canal of not less than five feet gauge from Lake Erie to the Ohio river at Cincinnati, the city of Cincinnati shall reimburse the state for the amount of its expenditure in procuring right of way, either by purchase or condemnation, or both, for said canal from a point in the city of St. Bernard one thousand feet beyond the crossing of the canal by the tracks of the Baltimore and Ohio Southwestern Railway Company to a point at said canal three hundred feet north of Mitchell avenue.

When lease shall be executed and delivered; covenants of lease.

Section 14188-6e. SECTION 5. That section 6 of the act of May 15, 1911, "To provide for leasing a part of the Miami and Erie canal to the city of Cincinnati as a public street or boulevard, and for sewerage and subway purposes," be and the same is hereby amended so as to read as follows:

Section 14188-6f. "Sec. 6. No rights by way of appropriation shall be exercised or permitted as against such property. Except at street intersections, the surface of such street or boulevard, when completed, from the east side of Broadway in Cin-

No rights shall be exercised by way of appropriation; subway privileges.

cinnati to a point at or in the neighborhood of Dixmyth avenue in Cincinnati, shall not be occupied or used for the purpose of any street, steam, electric, elevated or other kind of railroad whatsoever; but nothing herein shall be held or interpreted to prevent the construction or operation by said city of Cincinnati, or its grantee, of a subway beneath such street or boulevard, between said Broadway and Dixmyth avenue, for the use of streets, electric, suburban or interurban railways or terminals, or to prevent the construction or operation by said city, or its grantees in, on or upon the remainder of said canal property, on the surface or in an open cut or ditch or subway, or by means of any combination of such methods of construction, of street, electric, suburban or interurban railways or terminals; provided, however, that the right to construct such subway and other construction, railways and terminals for any street, electric, suburban or interurban railways or terminals, shall never be granted or permitted to any person, persons, or corporation other than said city, except on terms that shall provide for competitive bidding for the right to so construct same and the right to use or operate same shall never be granted or permitted to any person, persons or organization other than said city, except on terms that shall secure to street, electric, suburban, interurban or underground electric railways the right to use the subway and other construction and all tracks, appliances, services and electric current in and incident thereto on proportionately equal terms, said terms to be determined on the basis of the total cost of operation and a reasonable return upon the investment; provided further, that any street, electric, suburban or interurban railway or terminals operating or using such subway and constuction shall permit the use of its tracks by any other street, electric, suburban or interurban railway for a reasonable compensation for such distance as is necessary to secure entrance to such subway or construction, and provided further that should a guage other than standard guage be established for the tracks in said subway, cut or other canal property, a standard guage shall likewise be provided for the tracks therein and for such tracks as are necessary to secure entrance thereto.

Any grant or franchise made to any person, firm or corporation to construct and operate or to operate said subway and other construction in the propertry mentioned in section 1 hereof, shall be subject to all the provisions of sections 9147, 9148 and 9149 of the General Code relating to underground railroads; and without a petition of electors, the council of said city may submit such grant or franchise to the electors of the city in the manner provided in said sections 9148 and 9149."

ction 14188-6g. SECTION 6. That the governor of the state shall change and amend the lease to the city of Cincinnati of the Miami and Erie canal property between the east side of Broadway and a point three hundred feet north of Mitchell avenue so

Governor authorized to change lease.

as to conform with section 6 of said act of May 15, 1911, as herein amended, and so as to provide for the outlet for the discharge of the water of said canal at or near said point in the city of St. Bernard as provided in section 2 herein instead of at a point three hundred feet north of Mitchell avenue as is provided in section 2 of said act, passed May 15th, 1911, and shall execute and deliver to the city of Cincinnati a new lease accordingly.

SECTION 7. All laws and parts of laws inconsistent herewith are hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
297 L.

[House Bill No. 679.]

AN ACT

Relating to certain proposed amendments to the constitution of Ohio and the publication thereof.

Be it enacted by the General Assembly of the State of Ohio:

Section 5123-1. SECTION 1. That at the election to be held on the first Tuesday after the first Monday of November, 1913, the judges and clerks of election in each township, ward and precinct shall, in addition to the returns provided by law, at the same time make return to the deputy state supervisors of elections of the vote cast for and against any proposed amendments to the constitution of Ohio that may be submitted to the voters of the state for adoption or rejection at such election.

Return of votes cast for and against proposed constitutional amendments.

Section 5123-2. SECTION 2. A return of the votes cast for and against any such proposed amendment or amendments shall be certified and made by the deputy state supervisors of elections of each county to the state supervisor of elections, within ten days after said election; and within thirty days after such election the governor, secretary of state and attorney general shall open and canvass said returns, and ascertain whether or not a majority of the electors voting on each several amendment have voted in favor thereof and if the majority of the electors voting on any amendment shall have voted in favor thereof, the governor shall make proclamation thereof without delay and such amendment shall become a part of the constitution.

Returns certified to state supervisor of elections within ten days; opening and canvassing returns.

Section 5123-3. SECTION 3. The state supervisor of public printing shall cause the amendments to the constitution proposed at the present session of the general assembly to be published once a week for five consecutive weeks preceding such election, in at least one newspaper in each county of the state, where a newspaper is published.

Publication of proposed amendments by state supervisor of public printing.

Section 5123-4. SECTION 4. The charges for publication shall not exceed fifty per cent. of the rates established in section 6251 of the General Code for legal advertising. Such cost of publication shall be paid out of the state treasury upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing who shall make legal measurement of the matter published.

Charges for publication.

Section 5123-5. SECTION 5. For the purpose of paying the expenses of the publication of such proposed amendments and all other expenses connected therewith the sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund and not otherwise appropriated.

Appropriation for publication.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
298 G.

[House Bill No. 119.]

AN ACT

To prohibit the employment under contract to any person, firm or corporation, of any persons confined in any workhouse or jail in this state.

Be it enacted by the General Assembly of the State of Ohio:

Section 2227-1. SECTION 1. The labor or time of any person confined in any workhouse or jail in this state shall not hereafter be let, farmed out, given, sold or contracted to any person, firm, corporation or association.

Prisoners may not be farmed out.

Section 2227-2. SECTION 2. Such persons so confined may be employed in the manufacture of articles used by any department or public institution belonging to or controlled by the political subdivision or subdivisions supporting or contributing to the support of any such workhouse or jail or to any political subdivision of the state.

How prisoners may be employed.

Section 2227-3. SECTION 3. The board, officer or officers, in charge of any such workhouse or jail may provide, prepare and procure machinery, power and shoproom for the purpose of the manufacture of the articles specified in section two of

Authority to procure equipment

this act, and employ such persons as may be necessary to instruct persons confined in such workhouses or jails in such manufacture.

Section 2227-4. Where prisoners may be employed.

SECTION 4. No other articles than those specified in section 2 of this act shall be manufactured but nothing herein shall prevent the employment of any person so confined, elsewhere than within the jail or workhouse where he has been committed, by any political subdivision, nor impair or affect any contract heretofore made.

Section 2227-5. Earnings.

SECTION 5. The board, officer or officers, in charge of any such workhouse or jail shall place to the credit of each prisoner such amount of his earnings as the board, officer or officers deems equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he was imprisoned and his general deportment. The board, officer or officers for violation of the rules, want of propriety or other misconduct, may cancel such portion of such credit as is deemed proper.

Section 2227-6. When prisoner has wife or child under age of sixteen.

SECTION 6. When any such earnings are credited to any such person as provided by the preceding section and such person has a child or children under the age of sixteen or a wife, the board, officer or officers, in control of such workhouse or jail shall pay such earnings weekly to the person having custody of such child or children or to any incorporated humane society that will serve as trustees for such child or children without compensation or to such wife as such board, officer or officers may determine; but when such person has no such child, children or wife, such earnings shall be paid to him upon his discharge.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
299 G.

[House Bill No. 641.]

AN ACT

Authorizing conversion and grant of municipal public utility franchises into indeterminate permits providing procedure for acquisition of such utilities by municipalities, and for their regulation and control.

Be it enacted by the General Assembly of the State of Ohio:

Section 4000-1. "Public utility" defined.

SECTION 1. Wherever in this act and for the purpose of this act, the term "public utility" shall be taken to mean and include any street railroad operated in whole or

in part under the act passed April 22, 1896, commonly known as "The Rogers Law" and entitled "An act to amend and supplement sections 2505a and 2505b of the Revised Statutes of Ohio enacted May 1, 1891, and amended April 18, 1892" or any street railroad operated in connection with or upon the tracks of any such street railroad and any corporation which owns, operates or leases any such street railroads.

"Indeterminate permit" defined.

The term "indeterminate permit" as used in this act, shall mean and embrace any grant of a municipality to any person, association of persons, company or corporation, of power, right or privilege to own, operate, manage or control any plant or equipment or any part of a plant or equipment within this state of any public utility created under said acts as herein defined, which by the terms thereof is to continue in force until such time as the municipality shall exercise its right to purchase the property of such public utility, in accordance with the terms of this act or until it shall be otherwise terminated according to law.

Section 4000-2.

Authority to surrender franchise and accept indeterminate permit.

SECTION 2. Any such public utility is hereby authorized to surrender any existing license, permit, grant or franchise, and to accept in lieu thereof any indeterminate permit, and the municipality in which all or the major part of the property of such public utility is situated may accept such surrender and grant an indeterminate permit, and at the time or times provided in the grant of such permit, or, if no time be provided in such grant, then at any time after such grant, the municipal corporation may purchase all the property of such public utility actually used and useful for the convenience of the public, upon paying therefor just compensation as determined or agreed upon in accordance with the terms of this act. Any such municipality is authorized to purchase and operate such property, and every such public utility is hereby required to sell such property for the compensation determined or agreed upon in accordance with the terms of this act. The amount to be paid for the property may be determined, first, by condemnation proceedings, or second, by proceedings as hereinafter described before the public utilities commission of Ohio, or third, by agreement between the municipality and the public utility as hereinafter described. In the ascertainment of the compensation to be paid by any municipality for the property of any public utility, either by condemnation proceedings before the public utilities commission, the compensation shall be made and awarded only for such property of the public utility as is used and useful for the convenience of the public, excluding therefrom the value of any franchise or right to own, operate or enjoy the same, in excess of the amount actually paid to such municipal corporation as the consideration for the grant of such indeterminate permit.

Purchase by municipality of public utility; how amount of payment determined.

Section 4000-3.

Authority to grant indeterminate permit.

SECTION 3. Any municipality may grant an indeterminate permit to any such public utility upon such terms and conditions as may be considered conducive to the public interests, and as provided in this act.

Section 4000-4. How compensation determined.

SECTION 4. When the municipality determines to acquire the property by condemnation, the compensation therefor shall be determined in the manner provided by law for the appropriation of private property by a municipal corporation.

Section 4000-5. Procedure when municipality desires to acquire public utility.

SECTION 5. When the municipality so desires, as expressed in the ordinance determining to acquire the property of any such public utility, to have the compensation determined by the public utilities commission of Ohio, the municipality shall make a request in writing to such commission in accordance with the provisions of section 21 of an act passed April 28th, 1913, entitled "An act to create the public utilities commission of Ohio, to prescribe its organization, its powers and its duties, and to repeal sections 487 to 499 inclusive, sections 543 to 551 inclusive, sections 614-24, 614-25, 614-26, 614-69, 614-70, 614-80, 614-81, and 614-83 of the General Code." Thereupon the public utilities commission shall proceed to make an inventory and valuation of the property of such public utility in accordance with the provisions of said act. The proceedings for a review of such valuation shall be as prescribed in section 29 of said act. Such valuation shall not become binding upon the municipality, however, unless the council thereafter passes an ordinance accepting the same, which ordinance shall be subject to a referendum in accordance with the provisions of law relating to referenda upon municipal ordinances. If not accepted, the municipality shall reimburse the public utility for its expenses reasonably incurred in the valuation proceedings, the amount to be ascertained and fixed by the commission. In the absence of agreement as to compensation as provided in section 6 hereof, the acceptance of an indeterminate permit shall be construed as a consent on the part of the public utility to the procedure provided for in this section.

Section 4000-6. Agreement by municipality with public utility as to compensation and time of purchase; proceedings.

SECTION 6. Any municipal corporation may contemporaneously with or at any time after the grant of an indeterminate permit, as provided in sections 2 and 3 of this act, agree with the public utility upon the compensation to be paid for its property, and the time or times for the exercise of the privilege of purchase; provided, however, that no period between the times fixed for such purchase shall exceed five years. Upon the determination of the municipality to acquire the property of such public utility, the amount to be paid by the municipality and the terms and conditions of the acquisition shall be as thus agreed upon. The agreement of the municipality shall be by ordinance. In the same or other ordinances, the municipality and public utility may agree upon the amount of or basis of calculating the amount of annual payment, if any, to be made to the city to be treated as operating expenses of the utility or otherwise; also upon the basis of a division of earnings between the utility and the city; also the purposes for which and the amounts or the basis for calculating the amounts in which new stock, bonds or other securities may

be issued; also the minimum net earnings or basis of or device for calculating the minimum net earnings which the utility may earn as a condition precedent to a reduction of fares or rates, and as a test of the reasonableness of extensions; also the initial rates, fares and charges, and the dates of revision of rates, fares or charges, but no period between dates fixed for revision shall exceed five years; also the obligations of the utility with reference to minimum maintenance, renewal and depreciation reserve funds; also for arbitration of differences, also any other terms and conditions relative to the construction, maintenance, financing, operation and control of service of the utility consistent with the terms and conditions of this act and an indeterminate permit.

Section 4000-7. SECTION 7. No ordinance passed pursuant to the provisions of section 6 hereof, shall take effect until submitted to the electors of the municipality, at a special or general election held in the municipality at such time as council may determine, and approved by a majority of the electors voting thereon. The ordinance shall be duly passed by an affirmative vote of not less than a majority of the members elected or appointed to the council, and shall be subject to the approval of the mayor as provided by law. The ordinance shall specify the form or phrasing of the question to be placed upon the ballot. Thirty days' notice of the election shall be given by publication once a week for four consecutive weeks in two daily or weekly newspapers published or circulated in the municipality, which notice shall contain the full form or phrasing of the question to be submitted. The clerk of the council shall certify the passage of such ordinance to the officers having control of elections in such municipality, who shall cause such question to be voted on at the general or special election as specified in the ordinance.

Ordinance shall not take effect until submission of question to electors; notice of election.

Section 4000-8. SECTION 8. Any indeterminate permit granted under the terms of this act shall continue in force until such time as the municipality shall acquire the property of the public utility as provided in this act, or until otherwise terminated according to the terms and conditions of the permit. The acceptance of an indeterminate permit shall be deemed to deprive the public utility of all rights under any license, permit, grant or franchise or granted in any municipal ordinance or resolution existing at the time of the granting of the permit. From the time of such grant, the rates, fares, charges, service, accounts, equipments, repairs, additions, extensions, improvements, transfers, joint use, depreciation, capitalization, bonded or other indebtedness and all other terms and conditions relating to the financing, construction, maintenance, and operation of such utility shall be subject to municipal regulation; provided, however, that such power of municipal regulation shall not be exercised in a manner inconsistent with the express terms of the ordinance granting the permit.

Time of continuance of indeterminate permit; effect of acceptance.

Provided, also, that the capitalization and bonded or other indebtedness for improvement and other purposes beyond the limits of the municipality granting the permit shall remain subject to regulation by the state public utilities commission as provided by law; but no such capitalization or indebtedness shall be given effect as a basis for purchase price to or rate regulation by the municipality contrary to the agreement of the municipality and public utility as expressed in the ordinance granting the permit.

Nothing in this act shall be construed as conferring upon any municipality, officer, department, or commission thereof any power to grant an indeterminate permit to any such public utility in any other manner than by ordinance, or to prescribe that such ordinance shall take effect in any other manner than by acceptance by the public utility to which it is granted by filing a written acceptance thereof with the clerk of the city council or other officers named in such permit.

Section 4000-9.

Rates, tolls or charges.

SECTION 9. In the absence of agreement as to rates, fares or charges, as provided in section 6 hereof, all rates, fares, tolls and charges for services rendered and commodities furnished by any public utility shall be sufficient to yield a reasonable compensation to the public utility operating under an indeterminate permit, and in the ascertainment of what shall constitute such reasonable rates, fares, tolls, and charges, the municipal corporation shall have due regard, among other things, to the value of all the property of the public utility actually used and useful for the convenience of the public, excluding therefrom the value of any franchise or right to own, operate or enjoy the same, in excess of the amount actually paid to such municipal corporation as the consideration for the grant of such indeterminate permit and exclusive of any value added thereto by reason of a monopoly or merger, and also with due regard to the necessity of making reservation out of the income for surplus, depreciation and contingencies.

Section 4000-10.

Department may be created to exercise the powers conferred; procedure before department.

SECTION 10. In the event that any municipality shall establish any department for the purpose of exercising any of the powers herein conferred, such department is hereby granted such powers of supervision and regulation of any public utility operating under an indeterminate grant, as are provided by law and in the ordinance granting the permit, and as may be from time to time prescribed by the terms of any ordinance not inconsistent with the express provisions of the ordinance granting the permit. It is hereby made the duty of every such public utility to comply with all orders and regulations of such department issued by virtue of the powers herein granted. The procedure of, by and before such department shall be as ordained by the council of the municipality in the permit and other ordinances. The council shall also have power to prescribe the penalties for non-compliance with and the methods of enforcement of the orders and regulations of such department,

not inconsistent with the express provisions of the ordinance granting the permit. The provisions of the permit or of any ordinance or order of the municipality passed or issued under this act shall be binding upon all public officers and commissions.

Section 4000-11. SECTION 11. When the ordinance granting the permit contains no provisions whatever relative to appeal from or arbitration concerning the orders of the municipality, the utility may appeal to the public utilities commission of Ohio from any order of the municipality which is in violation of law or of the permit, or from any unreasonable order concerning matters upon which the parties have not agreed in the permit itself. Such appeal shall be by petition filed within thirty days from the issuance of the order. The filing of any such appeal shall not suspend the operation of the order appealed from unless the public utility shall give an undertaking payable to the municipality in such amount and containing such conditions as may be fixed by said commission.

Appeals, when ordinance contains no provisions.

Section 4000-12. SECTION 12. In the event that the ordinance granting the permit provides for an appeal to or arbitration by the state public utilities commission, then such commission shall determine such appeal or arbitration according to the procedure, methods, terms and conditions provided for in such ordinance. The provisions of law specially providing for judicial review of the orders of the public utilities commission shall not apply to actions of the commission upon such appeals or arbitration. Except as provided in this and the next preceding section, the provisions of law relating to appeals, complaints, or applications to the public utilities commission shall not apply to public utilities operating under indeterminate permits.

Procedure on appeals to public utilities commission.

Section 4000-13. SECTION 13. In addition to the methods of enforcement herein provided, the duties herein imposed upon public utilites shall be enforceable by mandamus and all other judicial proceedings provided by law for the enforcement of the duties of public utilities.

How duties shall be enforced.

Section 4000-14. SECTION 14. Nothing in this act shall be construed to deprive any municipality of its rights to prescribe, by charter, any other methods, terms or conditions according to and upon which indeterminate permits may be granted in such municipality.

Section 4000-15. SECTION 15. The invalidity of any section or any part of this act shall not be deemed to affect the validity of any other section or part thereof.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.

300 G.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 444.]

AN ACT

To permit any person, persons, firm, partnership, corporation or association of persons to contribute a fund for the purpose of assisting in the improvement of highways and to provide for commissions for improving the same.

Be it enacted by the General Assembly of the State of Ohio:

Section 6886-1. Commission, when fund contributed to assist in highway improvement.

SECTION 1. When the county commissioners of any county have determined to improve one or more highways within such county and any person, persons, firm, partnership, corporation or association of persons desire to contribute a fund for the purpose of assisting in the improvement of such highway, such fund to be not less than ten per centum of the total cost of such improvement, the said person, persons, firm, partnership, corporation, or association may apply to a judge of the court of common pleas of the county, who may appoint four suitable and competent freeholders of the county who shall, in connection with the county commissioners, constitute a commission for the purpose of the improvement of such road and serve until its completion.

Section 6886-2. Compensation of appointees.

SECTION 2. The persons so appointed shall receive a reasonable compensation for the time actually employed, to be fixed by the court of common pleas, and on its approval, paid from the fund provided for such improvement. Their compensation in the aggregate shall not exceed one per cent. of the amount received by the county from taxes raised, or for the sale of bonds for the purpose of making such improvement.

Section 6886-3. Expenses.

SECTION 3. The necessary expenses for stationery, postage, correspondence and other incidental expenses required in the discharge of the duties of the commission, shall be paid from the county treasury on the order of the county commissioners and the warrant of the auditor.

Section 6886-4. Bond; oath.

SECTION 4. Before entering upon the discharge of their duties, the persons so appointed shall each take an oath of office and give bond for the faithful and honest discharge of his duties, in such amount as required by said judge of court of common pleas, with sureties approved by him. Such bond shall be delivered to the county treasurer and kept in his office.

Section 6886-5. Vacancy.

SECTION 5. In case of the death, resignation or removal of any member of said commission, the vacancy shall be filled by appointment by the common pleas judge, as hereinbefore provided.

Section 6886-6. Surveyor.

SECTION 6. The commission shall employ a competent surveyor who shall go upon the line of such road and make such surveys as are necessary, and shall also make an estimate of the cost and expense of such improvement and transmit the same to the said commission, together with a

copy of the plat profile, cross-section, plans and specifications.

Section 6886-7. SECTION 7. After adopting plans, specifications and estimates, the commission shall invite bids for such construction and award the contracts therefor. Until the construction and improvement is completed and accepted by the commission, it may determine all questions connected therewith and shall be governed by the laws relating to the construction and improvement of public highways, with the same power to appropriate land and road material, establish grades of roads and other rights, given by law to boards of county commissioners, relating to the repair and improvement of public highways. Award of contracts.

Section 6886-8. SECTION 8. The commission may employ engineers, superintendents and other necessary employes during such construction and improvement and fix their compensation and bond. Employes.

Section 6886-9. SECTION 9. When approved by the commission, plans, drawings, profiles, bills of material, specifications of work and estimates of cost thereof, shall be filed by the county auditor in his office, and shall not be altered, unless such alteration shall first be drawn, specified and estimated as required by law for the original plans and approved by the commission. No such change shall be made until the price to be paid therefor shall have been agreed upon in writing between the commission and the contractor. Plans and specifications; where filed. Alterations.

Section 6886-10. SECTION 10. Resolutions for the adoption or alteration of plans or specifications, or awards of contracts, hiring of engineers, superintendents or other employes, and the fixing of their compensation, the approval of bonds and the allowance of estimates shall be in writing and require for their adoption the votes of five members of the commission taken by yeas and nays and recorded on the journal of the county commissioners. When signed by five members of the commission, the county auditor shall draw his warrant on the county treasurer for the payment of all bills and estimates of such commission. Resolutions, adoption of and record.

Section 6886-11. SECTION 11. Full and accurate records of all proceedings of the commission shall be kept by the county auditor upon the journal of the county commissioners. He shall carefully preserve in his office all plans, drawings, profiles, bills of materials, specifications of work and estimates of costs in detail and in the aggregate pertaining to such improvement or construction. Record of proceedings.

Section 6886-12. SECTION 12. Whenever, in any county in the state, there shall be a bona fide, voluntary association, either incorporated, or unincorporated, not for profit, of not less than one thousand citizens of any county, one of the purposes of which organization is the improvement, maintenance and repair of the public highways of said county, the commission as provided for in section one of this act, having the right to expend money in grading, draining, curbing and improving county and state highways by the use of When improvement may be made without petition or competitive bidding.

gravel, macadam, stone, brick, slag, or other material, or expending money for improving, maintaining and repairing said highways, from the public funds under their charge and control, applicable for the construction, maintenance or repair of public highways, may, without the necessity of petition being presented by property owners or of advertising for competitive bids, make contracts with said association, or its proper representatives, to do such work of grading, draining, repairing and improving county or state highways within said county, by the use of gravel, macadam, brick, slag, or other material and for the betterment generally of the highways of said county and make payments therefor out of any road or bridge funds under the control of said respective boards of officials, in the treasury, or levied for the purpose of constructing, maintaining and improving the public highways in said county.

The sectional numbers on the margin hereof are designated as provided by law.

SECTION 13. This act shall take effect and be in force from and after the earliest period allowed by law.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN,
Attorney General.

Passed April 16th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
301 G.

[House Bill No. 604.]

AN ACT

Authorizing the county commissioners of the several counties of the state for the benefit of public health, convenience, or welfare, to construct, maintain, repair and operate sewer improvements and sewage treatment works outside of municipalities, and to repeal certain sections of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 6602-1. Sewer districts outside of municipalities; designation.

SECTION 1. For the purpose of drainage or public convenience or public health and welfare, the board of county commissioners of any county in this state, by resolution, may lay out and establish one or more sewer districts within that portion of their respective counties, that lie within three miles of and outside of any incorporated municipality. Each of said districts shall be designated by name and number, and shall consist of one or more main, district or intercepting sewers together with the necessary lateral or connecting sewers and sewage treatment works.

Establish sewers and treatment works.

Whenever the board of county commissioners deem it necessary they may lay out, establish, maintain, and operate a sewer and sewage treatment works inside or outside

such a sewer district for the purpose of conducting sewage from such a district to a proper outlet and for the purpose of properly treating such sewage.

The board of county commissioners may employ a competent sanitary engineer for such time and on such terms as they deem best to assist them in performing any of their duties under this act and may provide for the payment of his necessary assistants and expenses. Sanitary engineers' department.

In any county of the state having a population exceeding 100,000 the board of county commissioners may create a sanitary engineering department to be under their supervision, and in charge of a competent sanitary engineer, for the purpose of assisting them in the performance of their duties under this act or their other duties regarding sanitation provided by law.

The board of county commissioners shall provide suitable rooms for the use of such department and shall provide for the payment of all the expenses of such department which are authorized by said board.

The board of county commissioners may make and publish any reasonable rules and regulations pertaining to sewer and sanitary improvements under their charge not inconsistent with the law of the state of Ohio or the rules and regulations of the state board of health. Any person or persons violating any such rule or regulation of the board of county commissioners shall be liable to a fine not exceeding one hundred dollars to be paid on conviction of such violation. All such fines shall be paid to the county treasurer and credited to any such county sewer improvement fund as the county commissioners shall direct. Rules and regulation; violations.

Section 6602-2. SECTION 2. Whenever the board of county commissioners of the county shall declare by a majority vote the necessity of the construction, maintenance, repair, or operation of a sewer improvement, or a sewage treatment works mentioned in section one, and shall declare that said construction, maintenance, repair, or operation is for the purpose of drainage, public convenience, or public health, and welfare, or when a petition, signed by the freeholders of the majority of the acreage in a sewer district, petition the county commissioners for the construction within said district of such a sewer improvement, or when a petition signed by the owners of the majority of the foot frontage of a proposed local or lateral sewer improvement, petition the board of county commissioners for the construction within said district of such a local or lateral sewer improvement, then the county commissioners shall have prepared the necessary plans, specifications and estimates of said proposed sewer improvements; as soon thereafter as possible the board of county commissioners shall declare by resolution, the necessity for making such improvements. Said resolution, in addition to declaring the necessity for said improvement, and that it is for drainage, public convenience, or public health and welfare shall contain a statement showing whether said How necessity for improvement determined. What resolution shall state.

sewer improvement is intended to be main, district, or intercepting sewer, with all necessary lateral, or connecting sewers and sewerage treatment works, the location thereof, the character of materials to be used, a reference to the plans and specifications, the place where the same are on file, the mode of payment of the cost and expense of the construction of said improvement, the estimated cost of the maintenance of said improvement and a description of the lots or parcels of land and other property within said district to be assessed for the payment of a part or the whole of the cost and expense of construction and maintenance of said improvement to be paid by assessments.

Plans and specifications.

At the time of the passage of such resolution the board of county commissioners shall have on file in their office the plans and specifications, estimates of the proposed improvement, which plans, specifications, and estimates, shall be open to the inspection of all persons interested.

Publication and posting of copies of resolution.

Before the adoption of the resolution provided for in the next succeeding section hereof, said board of county commissioners shall cause a copy of the resolution provided for under this section to be published once each week for two succeeding weeks in some newspaper of general circulation within the county. They shall cause to be posted one copy of said resolution at the court house of their county and one copy of said resolution at three prominent places within the sewer district for which the improvement is to be constructed.

Section 6602-3.

"Improvement resolution;" statements it shall contain.

SECTION 3. After the expiration of ten days, after the completion of said publication and posting of said resolution, said board shall determine whether to proceed with the proposed improvement, and if it decides to proceed therewith, a resolution for that purpose to be known as the "Improvement resolution", shall be passed by said board. Said improvement resolution shall contain a statement of the district or part thereof for which the proposed improvement is to be made, the character of materials to be used, a reference to the plans, specifications, and estimates, and mode of payment of the cost and expenses of the construction and maintenance of the proposed improvement and the resolution may provide for assessing any or all of the cost and expense of the improvement and maintenance of said improvement to be paid by assessment upon the lots, lands, and other real property in such district as may be specially benefitted thereby, provided, that in case of a main sewer the property immediately abutting thereon may be assessed for local drainage and the balance of the cost and expense of such improvement to be paid by assessments, may be assessed upon the property within said district proportionately and in accordance with the special benefit conferred.

Assessment of costs of lateral sewers.

In case of a lateral sewer ninety-eight per cent. of the entire cost and expense of construction and maintenance, less cost of intersections, may be assessed upon the benefited lands abutting thereon proportionately, but in no event

shall any piece or parcel of land or other real property be assessed in excess of the special benefits conferred.

Section 6602-4. SECTION 4. After the adoption of said improvement resolution, the board of county commissioners shall make a written contract with the lowest and best bidder for the construction of said improvement, after advertisement of not less than two weeks nor more than four consecutive weeks for bids in a newspaper of general circulation within said county.

Making and letting contract.

The bids shall be opened at twelve o'clock noon, on the last day for the filing of the same, by said board of county commissioners and publicly read. Each bid shall contain the full name of every person or company interested in the same, and shall be accompanied by sufficient bond or certified check on some solvent bank within the county, to provide that, if the bid is accepted, that the contract will be entered into and its performance properly secured. In each bid the labor and material shall be separately stated, with the prices therefor.

Said board may reject any and all bids. The contract shall be between the board of county commissioners and the bidder and the board shall pay the contract price in cash.

When there is reason to believe that there is collusion or combination among the bidders, the bids of those concerned therein shall be rejected. Whenever it becomes necessary, in the opinion of said board, in the prosecution of any such work or improvement, to make alterations or modifications in such contract, such resolutions or modifications shall only be made by such board by resolution, and such resolution shall be of no effect until the prices to be paid for work or material or both in the altered or modified contract have been agreed upon in writing, and signed by the contractor and said board and no contractor for any such work shall be allowed to recover anything for either work or materials caused or required by any alteration or modification unless such contract is made as aforesaid, nor shall he in any event be allowed to recover for such work and material, or either, more than the agreed price.

Alterations of contracts; how made.

Section 6602-5. SECTION 5. If it deems expedient the board of county commissioners may by resolution assess the real estate as provided in the improvement resolution, and cause such assessment to be collected, or at their option may issue bonds in anticipation of the collection of such assessment before the work is done or contracted for. Or the board of county commissioners may at its option defer such assessment until the work is completed, and then upon the certificate of the sanitary engineer in charge showing the completion of the work, by resolution, assess the real estate as provided in the improvement resolution. The board of county commissioners may further, and from time to time, assess the property specified in the improvement resolution to provide for the maintenance, repair and operation of

Power of board as to assessment and issue of bonds.

Maintenance and repair.

any such improvement after its construction, and no notice need be given property owners of such maintenance, repair, or operation assessment, unless the amount thereof shall exceed ten per cent. of the original cost of the construction of such improvement. If such maintenance and repair and operation assessment shall exceed ten per cent. of the original cost of such improvement, notice of such assessment shall be given to all property owners against whose property the said assessment is made, as is provided in section two hereof. Said board shall have power to determine that such assessment may be made payable in annual installments not exceeding ten in number.

When bonds are issued in anticipation of the collection of the assessment the interest thereon shall be treated as part of the cost of the improvement for which assessment may be made. If such assessment or any installment thereon is not paid when due, it shall bear interest until the payment thereof, at the same rate as the bonds issued in anticipation of the collection thereof, and the county auditor shall annually place upon the tax duplicate the penalty and interest as therein provided.

What portion of cost county shall pay.

The county shall pay such part of the cost and expense of the improvement, maintenance, repairs and operation for which special assessments are levied as the board deems just, but such part shall be not less than two per cent. of all such cost and expense and in addition thereto the county shall pay the cost of intersections.

Any person whose property shall be so assessed shall have the option of paying his portion of the assessment in cash within a period of thirty days from the date of the levy thereof.

Section 6602-6.

Board may borrow money or issue bonds to pay part or whole of cost.

SECTION 6. For the purpose of paying a part or the whole of the cost and expense of the construction, maintenance or repair or operation of any such improvement, or for the purpose of paying the sanitary engineer provided for under the provisions of this act, and for paying for his assistants and of all his other necessary expenses, the board of county commissioners may borrow money at a rate of not exceeding six per cent. per annum on certificates of indebtedness to be signed by its president and clerk; such certificates of indebtedness shall be made payable at a time not more than five years from their date, or the board of county commissioners may issue and sell county bonds as other county bonds are sold to pay the whole or part of the cost of the construction, maintenance, repair or operation of any such improvement, and to pay the sanitary engineer provided for under the provision of this act and for paying his assistants and all his other necessary expenses. Said bonds shall be signed, issued and sold as other county bonds are signed, issued and sold, and shall run for a period or periods not exceeding eleven years from their date, and shall not bear a greater rate of interest than six per cent., said bonds shall express upon their face the object for which

they were issued, and shall be sold for not less than par and accrued interest.

Additional tax levy.

The board of county commissioners may levy taxes in addition to all other taxes authorized by law to pay such certificates of indebtedness and the interest thereon, or such bonds and interest thereon. Such levy shall be subject to all the limitations provided by law upon the aggregate amount, rate, maximum rate and combined maximum rate of taxation.

Section 6602-7.

SECTION 7. For any assessment made under the provisions of this act on the lots and other property of any district in proportion to the benefits which may result therefrom, the sanitary engineer of the board of county commissioners shall prepare and present to the board an estimated assessment, on the lots and other real property to be charged therewith, in proportion, as nearly as may be, to the benefits which may result from the improvement to the several lots or other parcels of real estate or other property so assessed, a copy of which proposed or estimated assessment shall remain in the office of said board of county commissioners for a period of thirty days before being confirmed by said board, and due notice shall be given of the pendency of said proposed assessment by publication for two consecutive weeks in some newspaper of general circulation within the county. If the owner of any property assessed objects to the assessment so made, he shall file his objections in writing with the said commissioners within ten days after the date of the last publication of said notice, and thereupon the commissioners may appoint three disinterested freeholders and fix their compensation to act as an equalizing board, who shall meet at the county auditor's office at a time to be fixed by the board of county commissioners, with power to adjourn from time to time, who shall hear and determine all objections to said assessment, equalize the same, or approve the assessment already made, as they shall deem just. They shall report their action to said board of county commissioners who shall have power to confirm the same, or set the same aside and cause a new equalizing board to be appointed with like powers and qualifications. When said assessment is confirmed by the county commissioners the same shall be final. The members of said equalizing board shall, before entering upon their duties, take an oath before a proper officer to faithfully, honestly and impartially discharge their duties in making or equalizing said assessments, and in either case a majority of the board shall have power to determine any question or matter before them. The equalizing board, or any of its members, shall have power to administer oaths to witnesses, and said board shall hear testimony for or against the parties filing exceptions as aforesaid.

Estimated assessment on property benefitted; notice, objections, equalizing board.

Any and all expense for the compensation of such board of equalization, and any expenses incurred in the carrying out of their work, or in the calling of witnesses shall

form a part of the expense of the construction or maintenance and repair of such sewer and as such part of the expense of construction, maintenance or repair may be included in the amount for which bonds may be issued, assessments and levies made, or certificates of indebtedness issued.

Correction and levy of assessment.

After the expiration of said thirty days and after receiving the report of the equalization board, if any was appointed, the board of county commissioners, shall by resolution duly levy said assessments, after correcting the same, if any such correction is deemed necessary. Every such assessment shall be a lien on the land charged from the time the board of county commissioners determines the amount assessed against each parcel of land.

Certification, collection and application of assessments.

On or before the second Monday in September, annually, the board of county commissioners shall certify all of said assessments to the county auditor, stating the amounts and the time of the payment thereof, and in accordance therewith the county auditor shall place the same upon the tax duplicate, adding to each assessment such per cent. as he deems necessary to defray the expense of collecting it, and the county treasurer shall collect the assessments in the same manner as other taxes are collected, and when collected, shall be applied to the payment of such bonds and for no other purposes, in the event that bonds have been issued in anticipation of the collection of such assessments. All moneys, received from such tax levies, the sale of any of such bonds, or so borrowed on such certificates of indebtedness shall be placed in a fund to be designated as ..... fund'' (filling in the blank with the name and number of the improvement as previously determined by said board.) All moneys to be paid out of such fund shall be paid on the order of the board of county commissioners.

Section 6602-8.

What may be included as costs.

SECTION 8. The cost herein provided for in addition to the amount of money paid or to be paid for the construction, maintenance, repair, or operation, of any such improvement may include the cost of publication and posting of all resolutions or notices, the cost of inspection, interest on bonds issued in anticipation of the collection of said assessments and the cost of making said assessments, as well as for any money paid for the condemnation or purchase of land or right of way for any such improvement, and the compensation of the sanitary engineer in making plans and specifications for and superintending the construction, maintenance or repair of any such improvement, and for any other expense necessary and proper for the construction, maintenance, repair, or operation of such improvements.

Section 6602-9.

Resolution declaring intention to acquire property and construct improvement; proceedings.

SECTION 9. Said board of county commissioners may declare, by resolution, the necessity and its intention of acquiring by purchase or condemnation, the right to construct and maintain a sewer or sewage treatment works in and upon any property within or without such district, which

resolution shall contain a description of the property, rights, or interest to be appropriated, and in said resolution said board of county commissioners may direct the prosecuting attorney of the county, in the name of said board of county commissioners, to institute proceedings in the probate court of said county for the purpose of having determined the compensation to which the owners of said premises, interests or rights may be entitled by reason of said condemnation. Said board of county commissioners shall cause a copy of the resolution provided for under this section to be published at least once a week for two consecutive weeks in some newspaper of general circulation within the county. They shall cause to be posted one of said resolutions at the court house of their county and one copy of said resolutions at three prominent places within the vicinity of the property which is sought to be purchased or condemned.

Proof of the publication and posting of such resolution shall be made by affidavit or affidavits to be filed with said board of county commissioners.

After the expiration of ten days from the time of the completion of the publication and posting of such resolution as last herein provided, the prosecuting attorney of such county shall make written application to the probate court for the empaneling of the jury to make such awards of compensation to the owners of said property, interest, and rights to be so condemned. Upon and after the filing of said application the procedure in such case shall be such as is provided by law for the assessment of compensation to persons whose property has been condemned by municipal corporations, and all awards so made by a jury in such proceedings shall be paid in the manner and at the time provided for in the case of the condemnation of private property by municipal corporations.

Section 6602-9a.

Notice by state board of health to commissioners of the necessity of improvement; procedure.

SECTION 10. Whenever the state board of health finds, upon investigation that it is necessary for the health and comfort of those residing outside of municipalities in any county of the state, that a sewer improvement or a sewage treatment works mentioned in this act should be constructed, maintained, repaired, or operated, it shall notify the board of county commissioners of any such county as provided in section 1250 of the General Code; after such hearing, if the state board of health determines that any such improvements authorized in this act is necessary, it shall report its findings to the governor and attorney general, and upon their approval of such findings the state board of health shall notify and order the board of county commissioners, who, under this act, may make, construct, maintain, repair, and operate the sewer improvement or the sewage treatment works, that said board of county commissioners shall construct, maintain, repair and operate such a sewer improvement or sewage treatment works satisfactory to the board, for purifying or otherwise disposing of such sewage. Such

notice and order must be complied with by the board of county commissioners within the time fixed by the state board of health; such time shall be subject to the approval of the governor and attorney general.

If an order of the state board of health, when approved by the governor and attorney general and made in pursuance of section ten of this act, is not acceptable to any county affected thereby, such county shall have the same right of appeal and reference as is provided concerning municipalities in section 1257 of the General Code, and the procedure of such appeal and reference shall be in all cases the same as that provided concerning municipalities in sections 1257 and 1258 of the General Code.

The fees and expenses of the referee engineers shall be equally divided between the county requesting such reference and the state board of health.

Section 6602-9b.

Duty of taxing officers; bond issue limitation.

SECTION 11. Each board of county commissioners, department, or officer having jurisdiction to provide for the raising of revenues by tax levies, selling of bonds or otherwise as is provided in this act, shall take all steps necessary to secure the funds for any purpose or purposes mentioned in this act. When such funds have been so secured or when the bonds of the county therefor have been authorized by the board of county commissioners such funds shall be considered as in the treasury and appropriated for the purpose or purposes of paying for the construction, maintenance, repair or operation of the said sewer improvement or said sewage treatment works, and shall not be used for any other purpose. The bonds authorized to be issued for the purposes specified in section 10 of this act shall not exceed five per cent. of the total valuation of all property in the district benefited as listed and assessed for taxation, and may be in addition to the total bond indebtedness otherwise permitted by law. The question of the issuance of such bonds shall not be required to be submitted to a vote of the electors of the district.

Section 6602-9c.

Forfeiture by commissioners for failure to execute order.

SECTION 12. If the board of county commissioners department or officer of a county fails or refuses after a period of thirty days, after the notice and order given him or them by the state board of health and the approval thereof by the governor and attorney general, to perform any act or acts required of him or them by this act, he or they shall be personally liable for such default and shall forfeit and pay to the state board of health five hundred dollars to be deposited with the said treasurer to the credit of the said board of health. The governor and attorney general upon good cause shown may, in their discretion, remit such penalty or any part thereof.

Section 6602-9d.

Where and by whom actions commenced.

SECTION 13. An action may be commenced for the recovery of any fine or penalty, mentioned in this act, by the prosecuting attorney of the county in the name of the state, in the court of common pleas, of such county having jurisdiction of any party or parties, or it may be commenced

by the attorney general in such county or in the county of Franklin, as provided by law.

Section 6602-9e. SECTION 14. This act shall supersede all sections and parts of sections, or acts and parts of acts not herein expressly repealed which are inconsistent herewith, provided however that all sewer improvements and sewage treatment works now in process of construction, or the legislation for which has heretofore been started by the board of county commissioners of any county, may be construed and paid for as provided and authorized by the law in force at the time of starting such legislation.

Effect of act as to repeals.

No certificate of indebtedness or bonds heretofore issued or sold shall be invalidated or affected by any repeal herein provided.

Prior indebtedness not affected.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 15. That said original sections 6602-1, 6602-2, 6602-3, 6602-4, 6602-5, 6602-6, 6602-7, 6602-8, and 6602-9 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
302 G.

[House Bill No. 357.]

AN ACT

To regulate the sale of bonds, stocks, and other securities, and of real estate not located in Ohio, and to prevent fraud in such sales.

Be it enacted by the General Assembly of the State of Ohio:

Section 6373-1. SECTION 1. Except as otherwise provided in this act, no dealer shall, from and after the first day of August, A. D., 1913, within this state, dispose or offer to dispose of any stocks, bonds, mortgages or other instruments evidencing title to or interest in property or other securities of any kind or character (all hereinafter termed "securities"), issued or executed by any private or quasi-public corporation, co-partnership or association (except corporations not for profit, organized under the laws of this state) or by any taxing subdivision of any other state, territory, province or foreign government, without first being licensed so to do as hereinafter provided.

Providing license for dealers in securities.

Section 6373-2. SECTION 2. The term "securities," as used in this act, shall not be deemed to include conveyances of real estate located in Ohio, book accounts, or commercial paper, or

Term "securities" shall not include what.

other evidences of indebtedness running not more than one year; or, where the same have not been judicially declared invalid, and where, at the time of such sale, there is no default in payment of any part of the interest or principal of the same:

a. Mortgage bonds and notes (other than corporate bonds where more than fifty per cent. of the entire issue is not included in a sale to one purchaser) secured by mortgage on real estate in the state of Ohio; provided, that such mortgage and all superior subsisting liens upon said real estate shall not aggregate more than the appraised value thereof, for taxation;

b. Securities of quasi-public corporations, the issuance of which has been authorized by the public service commission of this state;

c. The stock, note or other obligation of any national bank, or of any bank, trust company or building and loan association, organized under the laws of this state and subject to examination and supervision by the proper authorities thereof; or any instrument for the unconditional payment of a certain sum of money, the full payment of the principal and interest of which shall be unconditionally guaranteed, through endorsement or otherwise, by such national bank or such other bank, company or association.

Term "dealer" defined.

The term "dealer", as used in this act, shall be deemed to include any person or company, except national banks, disposing, or offering to dispose, of any such security, through agents or otherwise, and any company engaged in the marketing or flotation of its own securities either directly or through agents or underwriters or any stock promotion scheme whatsoever; except:

Exceptions.

a. An owner, not the issuer of the security, who disposes of his own property, for his own account, when such disposal is not made in the course of continued or successive transactions of a similar nature by such owner;

b. One who, in a trust capacity created by any law of the United States or of this or any other state or by judicial authority, lawfully disposes of any property embraced within such trust;

c. A bank or trust company, organized under the laws of this state and subject to examination and supervision by the proper authority thereof, selling a security for a licensee, other than the issuer or underwriter thereof, at a commission of not more than two per cent., where such bank or trust company is not a regular dealer in securities;

d. One, not the issuer, who disposes of securities to a licensee under this act or to a company which, as a part of its regular business, deals in or holds such securities;

e. A pledgee selling, in the ordinary course of business and not in continued or successive transactions, a security pledged to him as security for debt in good faith and not for the purpose of avoiding the provisions of this act;

f. An issuer, organized under the laws of this state, where the disposal, in good faith and not for the purpose of avoiding the provisions of this act, is made directly to its stockholders or by its own officers, without any commission and at a total expense of not more than two per centum of the proceeds realized therefrom and where no part of the issue is issued, directly or indirectly, in payment for patents, services, good will, or for property not located in this state; provided that the president and secretary of the issuer shall, prior to such disposal, file with the "commissioner" a written statement setting forth the existence of all of such facts.

As used in this act, the term "company" shall include any corporation, co-partnership or association, incorporated or unincorporated, and whenever and wherever organized; "dispose of" shall be construed to mean "sell, barter, pledge or assign for a valuable consideration or obtain subscriptions for"; "issuer", the original issuer; and where the context demands it, words in the present tense include the future tense; in the masculine gender include the feminine and neuter gender; in the singular number include the plural, and in the plural, the singular number; the word "whoever" includes all persons, natural and artificial, principals, agents and employes; "and" may be read "or", and "or", "and". Definitions.

Section 6373-3. SECTION 3. Before such license shall be issued to any dealer, there shall be filed by him with the superintendent of banks, herein termed the "commissioner", together with a filing fee of ten dollars, an application for such license, together with information, in such form as shall be determined by such "commissioner," setting forth: Filing fee, application for license and information required.

a. Names and addresses of the directors and officers if such applicant be a corporation or association, and of all partners if it be a partnership, and of the person if the applicant be an individual, together with the names and addresses of all agents of such applicant assisting in the disposal of such securities;

b. Location of the applicant's principal office and of his principal office in the state, if any;

c. The general plan and character of the business of said applicant, together with references, which the "commissioner" shall confirm by such investigation as he may deem necessary, establishing the good repute in business of such applicant, directors, officers, partners and agents;

If the applicant be a corporation organized under the laws of any other state, territory or government, or have its principal place of business therein, it shall also file a copy of its articles of incorporation, certified by the proper officer of such state, territory or government, and of its regulations and by-laws; and if it be a co-partnership or unincorporated association, a certified copy of its articles of co-partnership or association, or deed of settlement.

The applicant at the same time shall also file with said "commissioner" a duly executed written instrument,

irrevocable, consenting that any action brought against such applicant, arising out of the disposal of such securities by him or his agents, may be brought in Franklin county, and that, in the event that proper service of process cannot be had upon such applicant in such county, service of process made therein by the sheriff of such county, by sending a copy thereof by registered mail, at least thirty days prior to taking judgment in such case, addressed to such applicant at the place of his principal office named in his application or such other place as the applicant may thereafter designate in writing filed with the "commissioner", shall have the same effect as if personally made upon the applicant, according to the laws of this state.

Section 6373-4.

Publication of notice of applications for registration.

SECTION 4. Notice of all applications for registration as a licensed dealer in such securities shall be published in a daily newspaper of general circulation in the city where the applicant's principal place of business in the state is located, or in the city of Columbus if the applicant has no place of business in the state and no such application shall be acted on by the "commissioner" until the expiration of one week from the date of such publication, but shall be acted upon within twenty days after proof of such publication has been filed with him. If the "commissioner" be satisfied of the good repute in business of such applicant, directors, officers, partners and agents, he shall, upon the payment of an annual fee of fifty dollars, and five dollars additional for each agent named in the application, register the applicant as a licensed dealer in such securities, and issue to him a license, containing the name of the applicant and all such agents, renewable annually upon the payment of such annual fee, unless revoked as herein provided. The expense of all publications provided for in this act shall be paid by the applicant for license.

Section 6373-5.

When license shall be taken out; fee.

SECTION 5. Such license shall be taken out at the beginning of each calendar year, but it may be issued at any time for the remainder of a calendar year, and in such case the annual fee shall be reduced pro rata but in no case shall it be less than twenty-five dollars. Upon the payment of a fee of ten dollars for each specified agent not named in such license, when issued, the same may at any time be amended or supplemented to include such agent. Upon the written request of such applicant, accompanied by a fee of two dollars, such license shall be revoked as to any agent or agents of such applicant, and an amended license shall thereupon be issued for such applicant and his remaining agents; and thereafter the applicant shall not be bound by the acts of the agent whose license has been revoked. Notice of such amendments shall also be published as aforesaid.

Revocation and amendment of license; fee.

Section 6373-6.

"Commissioner" may revoke license, when.

SECTION 6. Such "commissioner" may at any time revoke any such license, or refuse to renew the same, upon ascertaining that the licensee:

a. Is insolvent or is of bad business repute;

b. Has violated any provision of this act; or

c. Has engaged, or is about to engage, under favor of such license, in illegitimate business or in fraudulent transactions; and, he shall at once lay before the prosecuting attorney of the proper county any evidence which shall come to his knowledge of criminality under this act.

No dealer whose license has been revoked shall be relicensed within one year from the date of such revocation.

Section 6373-7. SECTION 7. At least five days before refusing or revoking a license, or refusing upon proper application presented on or before the 10th day of December to renew at expiration a license previously issued, the "commissioner" shall send by registered mail to the licensee, at the address named in the application for license, written notice of his intention so to do, specifying therein the reasons for the refusal or revocation of such license.

Notice of revocation or refusal of license.

Section 6373-8. SECTION 8. Any one whose license shall be refused or revoked, or to whom a renewal of license previously issued may be denied, may file, within thirty days thereafter in the court of common pleas of Franklin county, a petition against the commissioner, officially, as defendant, alleging therein in brief detail the plaintiff's qualifications to be licensed, and praying for a reversal of the official action complained of. Upon service of summons upon said defendant, returnable within three days from its date, but otherwise made as in civil actions, he shall, within one week from such return day, file an answer, in which he shall allege by way of defense the grounds previously assigned in his notice to such applicant or licensee, and such other grounds as shall, in the meantime, accrue or be discovered. All allegations of the answer shall be deemed to stand denied without further pleading and, upon application of either party, the cause shall be advanced and heard without delay. Merely technical irregularities in the procedure of such "commissioner," shall be disregarded and the burden shall rest upon the plaintiff to disprove the grounds assigned and specified in the official action complained of. The court's decision shall consult only the rights of plaintiff and protection of the public and shall be final and shall not be subject to modification, vacation or reversal; but its judgnent sustaining the refusal of the "commissioner" to grant or renew a license shall not bar, after thirty days, a new application by plaintiff for a license, nor shall its judgment in favor of the plaintiff prevent such "commissioner" from thereafter revoking such license for any cause which may thereafter accrue or be discovered.

Providing suit against commissioner in case of refusal or revocation.

Answer.

Section 6373-9. SECTION 9. Before such licensee shall dispose, or offer to dispose, of any of such securities, within this state, he shall file with such "commissioner," in such form as shall be determined by him, the following information concerning such securities if issued by any company;

Information required to be filed before disposal of securities.

(a). The name, location of principal office of the issuer and the names of its officers and directors, or if a copartnership, the partners;

(b). A statement of the issuer, showing, in general detail, the assets and liabilities, surplus and capital stock of the issuer, as of a date as late as the close of its last fiscal year, and of its gross income, expenses, net earnings and fixed charges, for one year last prior thereto, or for such time as the issuer has been in business, if less than one year.

(c). A pertinent description of such securities, and the purpose of said issue;

(d). If the securities be of a taxing subdivision of any other state, territory, province or foreign government, and are not an obligation of the entire taxing subdivision and payable out of the proceeds of a general tax, there shall be filed the information required by paragraphs (c) and (e) of this section and, in addition thereto a statement of the licensee, setting forth the nature of the obligation of such securities, how payment of the same is secured and that, to the best of his knowledge, there is no default in the payment of any part of the interest or principal of such securities and are no adjudications adversely affecting, or pending suits questioning the validity of the same; and

(e). Unless the foregoing information be excused under the provisions of the following section, the approximate price at which the licensee purposes to dispose of such securities.

Section 6373-10. When information need not be filed.

SECTION 10. The information required in the preceding section need not be filed:

(a). Unless required by the "commissioner," if the same has been filed by any other licensee; or

(b). If actual current sales of the securities, at prices quoted, shall have been, from time to time, for not less than one year next preceding such disposal, published in the tabulated market reports of the news columns of a daily newspaper published and of general circulation in this state; or

(c). Where there is a disposal of securities, the price paid or consideration rendered for which, in a single transaction, by one disposee, shall amount to five thousand dollars or more; or

(d). Where the securities disposed of are those of manufacturing or transportation companies, or of common carriers or other public utilities, issued and outstanding in the hands of bona fide purchasers for value, prior to February 1st, 1913, where such companies were on said date, and shall be at the time of sale, actual going concerns, either directly or through lessees, and where there shall be at the time of sale no default in payment of any part of the interest or principal of such securities; or

e. Where the information required, other than the approximate selling price, is contained in any standard

manual of information, approved by such "commissioner"; or

f. Where the disposal is made for a commission of less than one percentum of the par value thereof, by a licensee who is a member of a regularly organized and recognized stock exchange and who has an established and lawfully conducted place of business in this state, regularly open for public patronage as such.

Section 6373-11. SECTION 11. Every dealer, before or at the time of issuing or circulating the same, shall file with the "commissioner" one copy of each prospectus, circular or other document of like nature and of each advertisement, issued or circulated by him in connection with the sale of any such securities of the classes referred to in section nine hereof; which documents shall each bear a serial number.

Filing prospectus of advertisements and sales.

Section 6373-12. SECTION 12. No person or company shall, for the purpose of organizing or promoting any insurance company, or of assisting in the flotation of its stock after organization, dispose or offer to dispose, within this state, of any such stock, unless the contract of subscription or disposal shall be in writing, and contain a provision substantially in the following language:

Contract of subscription or disposal; contents.

"No sum shall be used for commission, promotion and organization expenses on account of any share of stock in this company in excess of ..... per cent. of the amount actually paid upon separate subscriptions (or, in lieu thereof there may be inserted, '$..... per share from every fully paid subscription,') and the remainder of such payments shall be invested as authorized by the law governing such company and held by the organizers (or trustees as the case may be) and the directors and officers of such company after organization, as bailees for the subscriber, to be used only in the conduct of the business of such company after having been licensed and authorized therefor by proper authority."

The amount of such commission, promotion and organization expenses shall in no case exceed fifteen per cent. of the amount actually paid upon the subscription.

Funds and securities held by such organizers, trustees, directors or officers, as bailees, shall be deposited with a bank or trust company of this state or invested as provided in sections ninety-five hundred and eighteen and ninety-five hundred and nineteen of the General Code until such company has been licensed as aforesaid.

Section 6373-13. SECTION 13. Whoever counsels, advises or procures any person to purchase any security and receives for such advice or services any commission or reward from the owner or salesman, without disclosing to the purchaser the fact of his agency or his interest in the sale of such security, shall be liable to the purchaser for the amount paid by him for such security, with interest, upon the tender of such security to such advisor within one year subsequent to the transaction.

Liability of one who counsels or advises the purchase without disclosing agency.

Section 6373-14. Additional statement of information by dealer.

SECTION 14. No dealer, for the purpose of organizing or promoting any company, or assisting in the flotation of the securities of any company after organization, shall, within this state for or on behalf of the issuer or any underwriter thereof, dispose or attempt to dispose of any such security unless such dealer be licensed as provided herein and until, together with the filing fee of five dollars, there be filed with the "commissioner" the application of such issuer for the certificate provided for in section sixteen of this act, and, in addition to the other information hereinbefore required.

(a) A certified copy of the articles of incorporation, or association of the issuer, its regulations and by-laws;

(b) Certified copies of all minutes of stockholders and directors relative to the issue of such securities;

(c) A sworn statement made by the president and secretary of the issuer, showing in detail the items of cash, property, services, patents, good will, and any other consideration for which such securities have been or are to be issued in payment;

(d) Like certified copies of all contracts or agreements between the issuer and any underwriter of such securities, and, if disposed of by the issuer, all contracts and agreements relative to the sale and disposition thereof, and any such contracts or agreements made subsequent thereto shall be filed immediately upon the execution thereof;

(e) All contracts made between such underwriter and any salesman, agent or broker; and until such "commissioner" shall issue his certificate, as provided in section sixteen hereof.

Securities to which section does not apply.

This section shall not apply where the issuance of the securities has been approved by the public service commission or like body of any state of the United States or any province of the Dominion of Canada, or where the disposal is made by or on behalf of an underwriter who, in good faith and not for the purpose of avoiding the provisions of this act, purchases the securities disposed of and pays therefor in cash or its equivalent, before attempting to dispose of the same, not less than 90 percentum of the price at which such securities are thereafter disposed of. The certificate provided for in section 16 of this act shall not be required where the securities are those of a common carrier or of a company organized under the laws of this state and engaged only in the business of manufacturing, transportation, coal mining or quarrying, and the whole or a part of the property covered by such securities, is located within this state; nor of a real estate or building company all of whose property covered by such securities is located in this state; nor in cases where information is dispensed with under the provisions of paragraphs (d) and (f) of section ten hereof.

The information required by paragraphs (d) and (e) of this section shall be for the information of the "com-

missioner'' only, and shall not be disclosed by him, except when lawfully required in a judicial proceeding.

Section 6373-15. ''SECTION 15. No person or company, other than a dealer licensed as hereinbefore provided, shall within this state, in repeated or successive transactions, deal in real estate not located in Ohio; and, unless so licensed and the ''commissioner'' shall issue his certificate as provided in the following section, and, prior to such issuance, there shall, together with a filing fee of ten dollars, be filed with the ''commissioner'' an application for such certificate and a written statement of the dealer containing a pertinent description of the real estate the disposal of all or a part of which is sought to be made, the nature and source of title of the owner thereto, and the amount or value and the nature of the consideration paid or allowed by him therefor, it shall, within this state, be unlawful:

Licensed dealers only shall deal in real estate not located in Ohio.

(a) For any corporation or any person, association or co-partnership doing business under any name other than the name or names of such person or of all the members of such association or co-partnership to dispose or offer to dispose of any real estate not located in Ohio.

(b) For any person or company to sell or offer for sale any such real estate, the owner of which is, or is represented to the purchaser to be, a corporation, or any person or company of the character described in the foregoing paragraph, where such corporation, person or company is engaged in the business of dealing in real estate.

This section shall apply where the title to such property is held in the name of a trustee for any corporation or for any such described person or company; but it shall not be deemed to prohibit the disposal by an owner of his own property, in good faith and not for the purpose of avoiding the provisions of this act, where the transaction is not one of repeated transactions of a similar nature, performed as a part of the business of dealing in real estate; nor shall it be deemed to prohibit a railroad company having an immigration bureau or department from advertising either directly or through its accredited representatives, the fact that there are along its route lands for colonization or sale; provided that such advertising be not of specific tracts of real estate, and not for the purpose of avoiding the provisions of this act.

Transactions to which section does not apply.

Section 6373-16. SECTION 16. Said ''commissioner'' shall have power to make such examination of the issuer of the securities or the owner of the property, named in the two preceding sections, and of such securities or property, as he may deem advisable; and if he shall find that the law has been complied with, and is satisfied that said company is solvent, that its business is properly and legitimately conducted, and that its proposed disposal of its securities or other property is not on unfair terms, upon the payment of a fee of twenty dollars he shall issue his certificate to that effect, authorizing such disposal; but if he shall not affirmatively

Examination of issuer of securities or owner; certificate.

so find, and is not so satisfied, he shall notify the applicant, in writing, of such finding and of his refusal to issue such certificate. Said applicant shall have the right of review of such finding given to a dealer by section eight hereof.

Right of review.

Section 6373-17. SECTION 17. Such certificate shall recite in bold type that the "commissioner" in no wise recommends such securities or other property; and no person or company shall advertise, in connection with the sale of such securities, the fact that such certificate has been issued unless such advertisement also contains in bold type a copy of such recital.

Certificate must state, commissioner in nowise recommends securities.

Section 6373-18. SECTION 18. In addition to the liability now imposed by law, any person or company that, by written or printed circular, prospectus, statement or advertisement of any kind, shall offer for subscription or purchase any security, or receive the profits accruing from the disposal of securities so advertised, shall be liable to any person who, on the faith of such advertisement or document, acquires such security, for the loss or damage sustained by him by reason of any untrue statement contained therein, unless such person or company shall establish that he or it had no knowledge or notice of the publication of such advertisement prior to the transaction complained of, or had just and reasonable grounds to believe the statements thereof to be true. Wherever any corporation shall be so liable, the directors thereof shall also be, under like limitations, jointly and severally liable. Any such director, upon the payment of a judgment so obtained against him, shall be subrogated to the rights of the plaintiff against such corporation and shall have the right of contribution for the payment of such judgment, under like limitations, against any of his fellow directors. Lack of reasonable diligence to ascertain the fact of such publication the falsity of any statement therein contained, shall be deemed to be knowledge of such publication and of the falsity of any untrue statement thereof. Any action brought against such director, based upon the liability hereby imposed, shall be brought within two years after the acquisition of the security by any person so damaged or after payment of the judgment for which contribution is sought.

Liability of seller to purchaser.

Limitation of action.

Section 6373-19. SECTION 19. If the issuer of such securities be a company incorporated, organized or formed to make any insurance named in subdivisions I and II, division III, title IX of the General Code, the "commissioner", for all the purposes named in sections 14 and 16 of this act, shall be the superintendent of insurance of this state. In addition to the powers given to, and the duties prescribed to be performed by, such "commissioner", under said sections, the superintendent of insurance shall have, over any such company disposing or attempting to dispose of any of its securities within this state, the powers of regulation, supervision and examination conferred on him by law, with reference to companies licensed to transact the business of insurance within this state.

Duties of superintendent of insurance.

Section 6373-20. SECTION 20. Whoever knowingly makes any false statement of fact in any statement or matter of information required by this act to be filed with the "commissioner", or in any advertisement, prospectus, letter, circular or other document, containing an offer to dispose or solicitation to purchase, or commendatory matter concerning, such securities or real estate, with intent to aid in the disposal of the same, or whoever knowingly violates any of the provisions of sections 12, 14 or 15 of this act, or for the purpose of aiding in the disposal of any security or real estate, knowingly makes any false statement or representation concerning any license or certificate issued under the provisions hereof, shall be fined not less than one hundred dollars nor more than five thousand dollars, or imprisoned in the penitentiary not more than one year or both; and whoever violates any of the other provisions of this act shall be fined not less than fifty dollars nor more than one thousand dollars, or imprisoned in the county jail or workhouse not more than sixty days, or both. Penalty for violations.

Section 6373-21. SECTION 21. In any prosecution brought under this act, the accused shall be deemed to have had knowledge of any matter of fact where, in the exercise of reasonable diligence, he should, prior to the commission of the offense complained of, have secured such knowledge. Information and indictments under this act need not negative any of the exceptions enumerated in sections two, ten and fourteen hereof. When accused presumed to have knowledge.

Section 6373-22. SECTION 22. Nothing herein contained shall limit or diminish the liability of any person or company now imposed by law, or prevent the prosecution of any person or company violating any of the provisions of this act, for the violation of any other statute or of any other provision hereof. Act does not limit other liability imposed.

Section 6373-23. SECTION 23. Nothing herein contained shall be so construed as to impair the obligation of prior contracts.

Section 6373-24. SECTION 24. The superintendent of banks is hereby authorized to appoint such clerks as are actually necessary to carry out the provisions of this act and to fix their salaries; such appointments and salaries to be subject to the approval of the governor. All fees received hereunder by the "commissioner" shall be deposited by him with the treasurer of state upon the warrant of the auditor of state. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the state treasury to the credit of the general fund, not otherwise appropriated, for the payment of the salaries and expenses necessary to carry out the provisions of this act. Clerks, salaries, fees, appropriation.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913. JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
303 G.

[House Bill No. 532.]

AN ACT

To provide for the lease by the state of the Longview hospital and other property in Hamilton county; for its use, maintenance and management, and the ultimate purchase thereof.

Be it enacted by the General Assembly of the State of Ohio:

Section 2034-1.

Authority to lease and ultimately purchase Longview hospital.

SECTION 1. The Ohio board of administration, in behalf of the state, and the county commissioners of Hamilton county, in behalf of said county, are hereby authorized and empowered to contract for the rental and use, and to provide for the ultimate purchase by the state for a hospital for the insane, of the property now owned by Hamilton county and occupied and used as the Longview hospital for the insane and the county infirmary, or so much thereof as in the judgment of the board of administration may be needed, subject to the terms and conditions of this act.

Section 2034-2.

Lease and rental limitation.

SECTION 2. Until an agreement is reached between the Ohio board of administration and the commissioners of Hamilton county as to the value of the property above described or an award is made as hereinafter provided, the board of administration may lease said property from the county commissioners at a rental not to exceed sixty thousand dollars per annum. Such rental shall be paid from any funds set apart for, and under the control of, the Ohio board of administration on the order of said board and the warrant of the auditor. After an agreement as to value is reached or an award thereof made, the state shall be credited on the first installments of rent thereafter to be paid with any excess paid by the board of administration prior to such agreement or award over the rental fixed thereby.

Section 2034-3.

Submission to arbitration on failure of authorities to agree.

SECTION 3. If the board of administration and county commissioners cannot agree upon a price to be paid and received for said property not to exceed one million five hundred thousand dollars, a board of arbitration and award consisting of three members shall be constituted and appointed as follows: One to be appointed by the Ohio board of administration; one to be appointed by the board of county commissioners of Hamilton county and the third to be selected by the first two. On any question arising before such board of arbitration and award the agreement of two members shall be final and the act of the board. It shall be the duty of the board of arbitration and award to survey the lands and buildings owned by the county of Hamilton and used for the Longview hospital and the county infirmary, or so much thereof as in the judgment of the board of administration may be needed, and ascertain and determine their true value in money and make award thereof, which award shall be certified to the Ohio board of administration and the commissioners of Hamilton county. The amount fixed by the board of arbitration and award as the true value of such property shall be the price at which the state may

purchase, and four per centum thereof shall be the annual rental to be paid by the state, which rental shall be paid in semi-annual installments.

Section 2034-4. SECTION 4. The Ohio board of administration shall include in its estimates provision for the payment of such rental and the ultimate purchase of such property. Any money allowed and appropriated by the general assembly for the part payment of the purchase price of such property shall be paid by the treasurer on the warrant of the auditor directly to the commissioners of Hamilton county and by them be credited to the sinking fund of the county. Upon any payment on the principal sum of the value of such property the rental shall be proportionately reduced.

Provision for payment of rental and ultimate purchase.

Section 2034-5. SECTION 5. The board of arbitration and award shall be paid a reasonable compensation and its expenses, not to exceed two thousand dollars in all, from the funds set apart for the Ohio board of administration, upon the order of said board of administration and the warrant of the auditor.

Compensation of board of arbitration.

Section 2034-6. SECTION 6. Said property when rented or acquired by the state of Ohio shall be used and maintained as a hospital for the insane to be known as "The Longview State Hospital" and the Ohio board of administration shall have all the powers with respect thereto conferred as to the institutions named in section 1835 of the General Code and by title 5, division 1, chapter 2 of the General Code.

Use of "The Longview State Hospital."

Section 2034-7. SECTION 7. Upon payment of the full principal sum of the value of said property, the commissioners of Hamilton county shall execute and deliver a warranty deed to such property to, and in the name of, the state of Ohio.

When deed shall be made and delivered.

SECTION 8. The provisions of this act shall be subject to the approval of the governor of the state.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
304 G.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 338.]

AN ACT

To empower county commissioners to pay for securing and publishing historical data.

Be it enacted by the General Assembly of the State of Ohio:

Section 2457-1. SECTION 1. The county commissioners of any county having therein an historical or pioneer association, incorporated not for profit, with a board of trustees or directors

Commissioners may pay for publication of historical data.

legally constituted, may allow and pay out of the general fund in the county treasury, not otherwise appropriated, the cost expended by such incorporation in collecting, compiling and publishing in pamphlet or book form, papers, memoranda and data of historical value, together with the regular proceedings of such incorporation, not exceeding one hundred dollars in any one year.

Section 2457-2.

Itemized account.

SECTION 2. No allowance for such cost shall be made or paid unless an itemized account thereof duly approved by the board of trustees or directors of such incorporation shall be duly presented to such county commissioners.

Section 2457-3.

Distribution.

SECTION 3. Such publications shall be placed in the custody of such corporations and be by the same distributed at such price and in such manner as the incorporation may direct.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
305 G.

[House Bill No. 528.]

AN ACT

To authorize the governor of Ohio to execute a deed for lands held by the state in Guernsey county.

WHEREAS, The state of Ohio is the owner of certain lands in Guernsey county formerly used for toll gates, and such lands are no longer of any use to the state and can not be used by the county or by individuals; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Guernsey county commissioners authorized to sell certain state property.

SECTION 1. The county commissioners of Guernsey county may contract for the sale of the two pieces of property described in the following section. Upon the completion of such contract of sale, the person or persons contracting for the purchase of such properties shall deposit in some bank to the credit of the state of Ohio the purchase price of such properties to be paid over on the receipt of deed or deeds in fee simple from the state of Ohio.

Governor authorized to convey to purchaser.

SECTION 2. That the governor of the state of Ohio, on receipt of the name of the person or persons contracting to purchase such property and knowledge of the fact that the price therefor is reasonable and has been deposited as set forth in the preceding section, be, and he is hereby authorized and directed to execute and deliver to the said pur-

chasers above mentioned, a deed or deeds in fee simple for such real estate above referred to, and which is more particularly described as follows:

Parcel one. Located in the township of Wills, county of Guernsey, and state of Ohio, being a part of the northwest quarter of section number eleven (No. 11), in township number two (No. 2), range numbered two (No. 2), in the district of lands directed to be sold at Zanesville and described as follows: Beginning at the northeast corner of the toll house on the national road thence west four and one-half (4½) degrees, south eight and one-half (8½) rods to a post on the northern line of said national road, thence north five and one-half (5½) degrees west eighteen and seven-eighths (18⅞) rods to a stake, thence east four and one-half (4½) degrees north eight and one-half (8½) rods to a stake, thence south five and one-half (5½) degrees east eighteen and seven-eighths (18⅞) rods to the place of beginning, containing one acre more or less. Description of real estate.

Parcel two. County of Guernsey, and state of Ohio, and being part of the northeast quarter of section numbered twenty-one (21) of township two (2) in range four (4), in the United States military district bounded and described as follows that is to say: beginning at a post on the south side of the national road and about forty (40) feet from the center thereof and running south with the eastern boundary line of said quarter forty poles to a post thence south eighty-seven (87) degrees west four poles to a post thence north forty (40) poles to a post, thence north eighty-seven degrees (87) east four poles to the place of beginning, containing one acre more or less.

Such deed or deeds to be signed by the governor of the state of Ohio, sealed with the great seal of the state, and countersigned and recorded by the secretary of state, as provided by law.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 7th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
306 L.

[House Bill No. 525.]

AN ACT

For the relief of W. S. Osborn, of Jefferson township, Clinton county, Ohio.

WHEREAS, W. S. Osborn was at the April election, A. D. 1903, duly elected to the office of township treasurer of

the township of Jefferson, Clinton county, Ohio, an office which by virtue of successive elections he has ever since held and still holds; and

WHEREAS, As said treasurer, he in good faith deposited the funds of said township in the bank of E. D. Smith, of Blanchester, Clinton county, Ohio, which was universally regarded as a safe and reliable place of deposit; and

WHEREAS, The said E. D. Smith did on or about the 28th day of February, 1907, suspend payment and make an assignment of all his property for the benefit of all his creditors; and

WHEREAS, The said assignee of the said E. D. Smith has paid upon the amount of the said township funds so deposited in said bank a dividend of sixty-two and two-tenths per cent.; and

WHEREAS, The said assignee has settled the estate of the said E. D. Smith and there will be no further dividends paid, leaving a balance of two hundred and eighty-six dollars and seventy-one cents uncollectible; and

WHEREAS, A large majority of the resident taxpayers have petitioned this general assembly for the relief of the said W. S. Osborn, treasurer as aforesaid; therefore

Be it enacted by the General Assembly of the State of Ohio:

Authority for levy to pay W. S. Osborn, Clinton county.

SECTION 1. That the board of education of Jefferson township, Clinton county, Ohio, is hereby authorized to levy upon the taxable property of said township a sum sufficient to raise the net sum of one hundred and ninety-eight dollars and seventy-six cents, the amount lost to the said board by said assignment, and certify the same as other taxes, and that the township trustees of said township are hereby authorized to levy upon the taxable property of said township a sum sufficient to raise the net sum of eighty-seven dollars and ninety-five cents, the amount lost to the said trustees by said assignment, and certify the same as other taxes, the sums so raised shall be applied to make good the losses caused by said assignment.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
307 L.

[House Bill No. 345.]

AN ACT

To repeal sections 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3738, 3739, 3740, of the General Code, relating to labor upon the public highways and streets. Repeals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384; 3738, 3739, 3740, of the General Code be, and the same are hereby repealed.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 3d, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
308 G.

[House Bill No. 222.]

AN ACT

Authorizing the board of education for the school district of Newark township, Licking county, Ohio, to issue warrant to William C. Barnett for services.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the school district of Newark township, Licking county, Ohio, be, and it is, hereby authorized to pay out of any funds in its possession, the sum of one hundred and seventy dollars, to William C. Barnett, to recompense said William C. Barnett for his services in conveying pupils to and from school in said school district number two in Newark township, Licking county, Ohio, from February 24th, 1905, to May 17th, 1905. Authority to pay William C. Barrett conveying pupils.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 10th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
309 L.

[House Bill No. 659.]

AN ACT

To furnish service ribbons to the officers and enlisted men of the Ohio National Guard.

Be it enacted by the General Assembly of the State of Ohio:

"Campaign Ribbon" for services rendered in flood districts.

SECTION 1. That the adjutant general of the state of Ohio is hereby authorized and directed to procure and furnish to each officer and enlisted man of the Ohio national guard, who performed duty under the call of the governor in aid of the civil authorities in the various flood stricken districts of the state in March and April, 1913, "A Campaign Ribbon," similar in size to that issued by the war department to the soldiers of the United States army. The design of such campaign ribbon to be selected by the adjutant general of Ohio.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
310 G.

[House Bill No. 677.]

AN ACT

To amend section 6 of an act entitled "An act to authorize county commissioners, township trustees, boards of education, road commissioners, councils of municipal corporations and boards and officers thereof temporarily to repair, reconstruct and replace public property and public ways destroyed or injured by floods occuring in March and April, 1913; to authorize county commissioners and councils of municipal corporations to borrow and expend money for the purpose of cleansing public places and private grounds and buildings and removing therefrom any matter deposited therein by said flood which is inimical to the public health, safety or convenience; and to exempt proceedings for the permanent repair, reconstruction and replacement of such public property and public ways, and bonds issued and levies made for such purposes from certain requirements and limitations," as passed April 10th, 1913, for the purpose of correcting typographical errors therein.

Be it enacted by the General Assembly of the State of Ohio:

Authorizing local authorities to repair, reconstruct and replace public property and ways destroyed by floods March and April, 1913.

SECTION 1. That section 6 of an act entitled "An act to authorize county commissioners, township trustees, boards of education, road commissioners, councils of municipal corporations and boards and officers thereof, temporarily to repair, reconstruct and replace public property

and public ways destroyed or injured by floods occurring in March and April, 1913; to authorize county commissioners and councils of municipal corporations to borrow and expend money for the purpose of cleansing public places and private grounds and buildings and removing therefrom any matter deposited therein by said flood which is inimical to the public health, safety or convenience; and to exempt proceedings for the permanent repair, reconstruction and replacement of such public property and public ways, and bonds issued and levies made for such purpose from certain requirements and limitations," passed April 19th, 1913, is hereby amended to read as follows:

Tax levy to pay interest on bonds and provide sinking fund.

Sec. 6. "For the purpose of paying the principal and interest on notes issued under section 3 of this act, the authorities mentioned in said section, or those authorized by general law to levy taxes for any of the sub-divisions mentioned in section 1 of this act, may levy a tax irrespective of any of the limitations of sections 5649-2 to 5649-5b of the General Code. In case such notes are funded by the issuance of funding bonds under the general laws, levies for interest and sinking fund purposes to provide for the retirement of such bonds shall not be included within any of the limitations of said sections. For the purpose of paying the interest on bonds issued under authority of said section 3 and providing a sinking fund for their final redemption at maturity, such authorities shall provide at the time such indebtedness is incurred, for levying and collecting, annually, by taxation, a sufficient amount, which amount shall be certified to the auditor of the proper county, who shall compute and ascertain the rate of levy necessary to provide therefor, and shall place the same upon the duplicate of the proper taxing district for the year or years for which it is certified, in addition to all other levies, and irrespective of any of the provisions or limitations of sections 5649-2 and 5649-5b, inclusive, of the General Code, or any other limitations on tax rates at present in force.

Administration of funds so authorized.

In no case shall funds produced by the levy authorized and required to be made by this section be used otherwise than for the purposes specified herein. In case money levied or borrowed under any of the provisions of this act is more than sufficient for the purpose for which it is levied or borrowed, the unexpended balance thereof shall be credited to the sinking fund provided for herein, and shall in no case be subject to transfer to any other fund; and when in such case, the final redemption of such bonds is provided for, the levy shall thereupon terminate. The commissioners of the county, the sinking fund trustees of the municipal corporation, the sinking fund commissioners of school districts in which such commissions are established, the board of education of any other school district or the clerk of the township shall administer the sinking funds provided for in this section, and shall have like power of investment thereof as is vested in trustees of the sinking fund of a municipal

corporation by the provisions of the general laws of this state. When in any year, through miscalculation or inadvertence the amount of the tax originally certified to the county auditor, as herein provided, is insufficient to provide for the payment of the interest and the maintenance of the sinking fund as required by this section, such trustees, commissioners or clerk shall compute and ascertain the necessary amount and shall certify the same to the county auditor, who shall compute and ascertain the rate of levy necessary to provide therefor, instead of the rate necessary to provide for the amount originally certified, and place the same upon the duplicate of the proper taxing district for such year. Whenever in any year, by reason of accretions to the sinking fund provided for herein, from any cause mentioned in this section, the amount originally certified is more than sufficient to provide for the final redemption of all outstanding bonds, and the payment of all interest due, such trustees, commissioners or clerk shall ascertain the amount necessary to provide for the final redemption of such bonds, and the payment of such interest, and shall certify such amount to the county auditor who shall ascertain the rate of levy necessary therefor, and shall place the same upon the duplicate of the proper taxing district for such year, instead of the rate necessary to provide for the amount originally certified. In such event no further levy shall be made for such purpose notwithstanding the requirements of the original certificate.

Except for the purposes mentioned in section 1 and 2 of this act and except when acting for such purposes under the general laws of the state and not under said sections, none of the taxing authorities mentioned in this section shall borrow money or levy a tax for any of the purposes mentioned in this act under the general laws of the state unless such tax is necessary to provide for the payment of notes or bonds issued for such purposes and authorized prior to the passage of this act; but all moneys borrowed or taxes levied for the purpose of making repairs, re-construction and replacement of public property and public ways destroyed or injured by the floods mentioned in section 1 of this act shall be borrowed or levied under the provisions of this act.

SECTION 2. Said original section 6 is hereby repealed.

SECTION 3. This act is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace, health and safety. Such necessity arises from the fact that by reason of the floods mentioned in section one of this act many important channels of communication by travel in the state have been interrupted, impaired or destroyed; many public utilities, and other public property; the immediate restoration of which is necessary to the public health and safety have been destroyed or injured; means of preserving the public peace have been interfered with, and the situation in the flooded districts

is such as cannot adequately be met by any proceedings under the general laws of this state. Therefore this act shall take effect from and after its passage and approval.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
311G.

[House Bill No. 549.]

AN ACT

To amend sections 6290, 6294, 6295, 6298, 6299, 6300, 6301. 6302, 6309, 12613 and 12614 of the General Code, relating to motor vehicles.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6290, 6294, 6295, 6298, 6299, 6300, 6301, 6302, 6309, 12613 and 12614 of the General Code be amended to read as follows:

"Motor vehicle" defined.

Sec. 6290. The term "motor vehicle," as used in this chapter and in the penal laws, except where otherwise provided, includes all vehicles propelled by power other than muscular power, except road rollers, traction engines, fire engines, fire trucks, police patrol wagons, public ambulances and vehicles run upon rails or tracks.

What owner's application for registration shall contain; schedule of fees.

Sec. 6294. Every owner of a motor vehicle which shall be operated or driven upon the public roads or highways of this state shall, annually, before the first day of January of each year, except as herein otherwise expressly provided, cause to be filed, by mail or otherwise, in the office of the secretary of state, a written application for registration for the following year beginning the first day of January of such year, on a blank to be furnished by the secretary of state for that purpose, containing a brief description of the motor vehicle to be registered, including the name of the manufacturer, the factory number of such vehicle, if it has such number, the amount of the motive power, stated in figures or horse power, in accordance with the rating established by the association of licensed automobile manufacturers, and the name, residence and address of the owner of such motor vehicle. Upon filing of such application each such owner shall pay, or cause to be paid, to the secretary of state, a registration fee of three dollars for each motor bicycle, or motor cycle; five dollars for each electric motor vehicle; five dollars for each gasoline or steam motor vehicle having a motive power of twenty horse

power or less; six dollars for each gasoline or steam motor vehicle having a motive power of more than twenty horse power and not more than thirty horse power; nine dollars for each gasoline or steam motor vehicle having a motive power of more than thirty horse power and not more than forty horse power; twelve dollars for each gasoline or steam motor vehicle having a motive power of more than forty horse power and not more than fifty horse power; fifteen dollars for each gasoline or steam motor vehicle having a motive power of more than fifty horse power and not more than sixty horse power and eighteen dollars for each gasoline or steam motor vehicle having a motive power of more than sixty horse power.

Fee when vehicle purchased during the year.

Sec. 6295. Every owner of a motor vehicle acquired during any year, before operating or driving such motor vehicle upon the public roads or highways of this state, or permitting the same to be done, shall file a like application, but if said application be made after September first of any year, the fee for such registration shall be one-half the annual fees provided herein.

Sec. 6298. Upon the filing of such application in the office of the secretary of state, and the payment of the registration fee provided for, the secretary of state shall assign to such motor vehicle a distinctive number and, without expense to the applicant issue and deliver to the owner in such manner as the secretary of state may select a certificate of registration, in such form as the secretary of state shall prescribe, and two number plates, duplicates of each other, at the post or express office within the state of Ohio named in said application.

Certificate of registration.

Duties of secretary of state and county clerk.

Sec. 6299. The secretary of state shall thereupon file such application in his office and register such motor vehicle with the name and address of the owner thereof and the facts stated in such application in a book or index kept for that purpose under the distinctive number and identification mark assigned to such motor vehicle by the secretary of state. Such book or index shall be kept in the office of the secretary of state. A full and correct list of registered motor vehicles and their owners shall be furnished monthly by the secretary of state to the clerk of each county in the state. Such lists shall be kept as public records in the office of each county clerk.

Specifications as to distinctive number; placard.

Sec. 6300. Such distinctive number as an identification mark shall consist of a placard upon the face of which shall appear the distinctive number assigned to such motor vehicle as hereinbefore provided, in Arabic numerals, such numerals to be not less than four inches in length, and each stroke not less than one-half inch in width. Such placard shall also contain the name of this state and the figures of the calendar year for which this distinctive number is issued. Such distinctive number or placard shall be of a different color or shade each year, such color or shade to be selected by the secretary of state; provided,

that the identification mark of motor vehicles of the type commonly called motor cycles shall consist of a placard the size of which shall be prescribed by the secretary of state.

Manufacturers' and dealers' application; fees.

Sec. 6301. A manufacturer or dealer in motor vehicles shall make application for the registration, in a like manner, as hereinbefore provided, of each gasoline, steam, electric or other make of motor vehicles, so manufactured or dealt in, and pay a registration fee of twenty dollars for each make of motor vehicles named therein, to be determined by the motive power of such vehicles. Thereupon the secretary of state shall assign to each make of motor vehicles therein described a distinctive number which must be carried and displayed by each motor vehicle of such make in like manner as provided in this chapter while it is operated on the public highway until it is sold or let for hire. Such manufacturer or dealer so registering a make of motor vehicle, may procure certified copies of such registration certificates upon the payment of a fee of three dollars for each such copy. With each of such certified copies, the secretary of state shall furnish two placards with the same numbering provided in the original registration certificate.

Application for registration as chauffeur; sworn statements required.

Appointment of examiners; examination of applicants.

A person operating a motor vehicle as a chauffeur shall file, by mail or otherwise, with the secretary of state or his duly authorized agent upon blanks prepared under the authority of the secretary of state, an application for registration. The secretary of state shall appoint examiners and cause examinations to be held at convenient points throughout the state as often as may be necessary. Before any certificate of registration is granted, the applicant shall pass such examination as to his qualifications as the secretary of state shall require. No chauffeur's certificate of registration shall be issued to any person under sixteen years of age. Every application for a certificate of registration as a chauffeur shall be sworn to before some officer authorized to administer oaths, and must contain the name and address of the applicant, together with a statement that he is of sound mind and memory and physically competent to operate a motor vehicle, together with a description of the vehicle, the trade name and kind or kinds of motor vehicle he is competent to operate and whether or not such applicant has been convicted of violating a provision of this chapter or the penal statutes relating thereto giving the date or place of such conviction and the provision of law so violated and must be accompanied with a registration fee of three ($3.00) dollars.

Disposition of revenues.

Sec. 3609. The revenues derived by registration fees provided for in this chapter shall be applied by the secretary of state toward defraying the expenses incident to carrying out and enforcing the provisions of this chapter, and any surplus thereof shall be paid by him monthly into the state treasury. One-third of the revenues paid into the state treasury shall be used for the repair, mainte-

nance, protection, policing and patroling of the public roads and highways of this state under the direction, supervision and control of the state highway department.

Sec. 12613. Whoever, being the owner of a motor vehicle, the manufacturer thereof or dealer therein, and makes a false statement as to the horse power of such motor vehicle as required by section 6294 and 6301 of the General Code of Ohio, or, fails to have the distinctive number and registration mark furnished for such motor vehicle by the secretary of state, displayed on the front and rear thereof as an identification mark, securely fastened so as not to swing, shall be fined not more than fifty dollars.

Penalty for violations of act relating to motor vehicles.

Sec. 12614. Whoever operates or drives a motor vehicle upon the public roads and highways without providing it with sufficient brakes to control it at all times and a suitable and adequate bell or other device for signalling, or fails during the period from thirty minutes after sunset to thirty minutes before sunrise to display a red light on the rear thereof and three white lights, two on the front and one on the rear thereof, the rays of which rear white light shall shine upon and illuminate each and every part of the distinctive number borne upon such motor vehicle, the light of which front lamps to be visible at least two hundred feet in the direction in which such motor vehicle is proceeding, shall be fined not more than twenty-five dollars. Provided, that motor vehicles of the type commonly called motor cycles shall display one white light in front to be visible at least two hundred feet in the direction in which such motor vehicle is proceeding, and one rear combination red and white light, showing red in the direction from which such motor vehicle is proceeding, and such rear light to be so placed that it will reflect its white light upon and fully and clearly illuminate the distinctive license identification mark of such motor vehicle.

Penalty for failure to provide motor vehicle with bell, brakes and lights.

Repeals.

SECTION 2. That said original sections 6290, 6294, 6295, 6298, 6299, 6300, 6301, 6302, 6309, 12613 and 12614 of the General Code be, and the same are hereby repealed.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 3. This act shall take effect and be in force on and after the first day of January, 1914; except that the provisions of section 6294 as enacted herein shall immediately take effect as to applications made and licenses issued for the year 1914.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
312 G.

[House Bill No. 522.]

AN ACT

To provide optional plans of government for municipalities and permitting the adoption thereof by popular vote in accordance with article XVIII, section 2, of the constitution of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

ARTICLE 1. ADOPTION OF PLAN.

Section 3515-1. SECTION 1. Whenever electors of any municipality, equal in number to ten percentum of those who voted at the last regular municipal election, shall file a petition with the board of deputy state supervisors of elections or board of deputy state supervisors and inspectors of election, as the case may be, of the county in which such municipality is situated, asking that the question of organizing the municipality under any one of the plans of government provided in this act be submitted to the electors thereof, said board shall at once certify that fact to the council of the municipality and the council shall, within thirty days, provide for submitting such question at a special election to be held not less than sixty nor more than ninety days after the filing of such petition. Any such election shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act and the council of any municipality holding such an election shall appropriate whatever money may be necessary for the proper conduct thereof.

Petition for submission of question of organizing municipality under specific plan.

SECTION 2. The proposition to adopt a plan of government provided in this act shall not be submitted to the electors of any municipality less than ninety days before a regular municipal election. If in any municipality, a sufficient petition is filed, requiring that the question of choosing a commission to frame a charter be submitted to the electors thereof, the proposition to adopt a plan of government provided in this act shall not be submitted in that municipality as long as the question of choosing such commission or adopting a charter framed thereby is pending therein. In any municipality while the proposition of adopting any one of the three forms of government herein provided for is pending, then no other proposition herein provided for shall be submitted until said pending proposition is adopted or rejected.

Petition for submission of question of choosing commission to frame charter.

SECTION 3. In submitting the question of organizing under any one of the plans of government provided in this act to the electors of any municipality the board of deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections, as the case may be, shall cause to be printed on the ballots the following question, "Shall the (name the plan) plan of government, as provided in chapter ..... section ..... of the General Code

Form of ballot in submitting question of organizing under plan.

of Ohio be adopted? Immediately following such question there shall be printed on the ballots the following propositions in the order here set forth:

"For the adoption of the (.....) plan."

"Against the adoption of the (.....) plan."

When the question is on the adoption of the federal plan of government there shall also be submitted the question "For councilmen-at-large," and "For councilmen-by-wards."

There shall also be printed on the ballots at any such election the following supplementary proposition.

"For the adoption of the recall.

"Against the adoption of the recall.

Immediately to the left of each of the propositions shall be placed a square in which the electors by making a cross (X) mark may vote for or against any such propositions.

Mailing copies of plan to electors.

At least thirty days prior to any such election the deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections, as the case may be, of the county shall mail a copy of the proposed plan of government and the supplementary propositions as specified in this act to each elector of the municipality whose name appears on the poll or registration books of the last regular general election, and each such copy shall contain on the front cover thereof a fac-simile ballot and the date and hours of the election. Any elector may, at least forty days

Filing arguments for and against.

prior to such election file, with said board a written argument of not more than three hundred words for or against any proposed plan of government or for or against any other proposition submitted and, upon payment of the cost of printing, said board shall cause the same to be printed and a copy thereof mailed with the copy of the proposed plan to each elector or otherwise distributed to every voter as far as practicable.

Result of adoption.

SECTION 4. If, when submitted in any municipality the proposition of adopting a plan of government provided in this act is approved by a majority of those voting thereon, such plan, together with any of the supplementary propositions that may have been approved by a majority of the electors voting thereon, shall become the charter of such municipality. When so adopted, this act shall go into effect immediately, in so far as it applies to the nomination and election of officers provided for herein and in all other respects it shall go into effect upon the first day of January following the next regular municipal election. All officers of any plan of government superseded by the adoption of any plan provided in this act, except members of the commission or council, shall continue in office and in the performance of their duties until the commission or council elected hereunder shall have provided by ordinances for the performance of the duties of such officers, whereupon the terms of all such officers shall expire and their offices be deemed abolished.

SECTION 5. In any municipality where a plan of government provided in this act has been adopted any of the supplementary propositions, not previously adopted, may be independently submitted to the electors at any municipal election in the manner provided for submitting the question of adopting such plan of government. If the proposition to adopt a plan of government provided in this act is rejected by the electors of a municipality, it shall not again be submitted in that municipality within one year thereafter.

Submission of supplementary propositions.

Section 3515-6. SECTION 6. Immediately after an election upon the adoption of any plan of government or proposition provided herein the board of deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections, as the case may be, of the county in which such election is held shall file with the secretary of state a certificate of the results thereof.

Board shall file certificate of results of election

ARTICLE II. ELECTION PROVISIONS.

SECTION 1. Applicable to each plan. The sections of this article shall apply to and be a part of each of the plans of government provided in this act.

Applicable to each plan of government.

SECTION 2. Nominations and elections. Regular municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years, and shall be conducted and the results canvassed and announced by the regular election authorities. Candidates to be voted for at the regular municipal elections shall be nominated as provided by law.

Nominations and elections.

SECTION 3. Ballots. The ballots used in all elections provided for in this act shall be without party marks or designations. The names of candidates on such ballots shall be printed in rotation as follows: The ballots shall be printed in as many series as there are candidates for the office for which there is the greatest number of candidates. The whole number of ballots to be printed shall be divided by the number of series and the quotient so obtained shall be the number of ballots in each series. In printing the first series of ballots the names of candidates for each office shall be arranged in alphabetical order under the title thereof. After printing the first series the first name in each list of candidates for the various offices shall be placed last in such list and the next series printed, and the process shall be so repeated until each name in the largest list of candidates shall have been printed first an equal number of times. The ballots so printed shall then be combined in tablets, so as to have the fewest possible ballots having the same order of names printed thereon together in the same tablet. The ballots shall in all other respects conform as nearly as may be to the ballots prescribed by the general election laws of the state.

How ballot shall be prepared; printing in series.

Who declared elected.

SECTION 4. Regular election. The candidates at the regular municipal election, equal in number to the places to be filled in each office, who received the highest number of votes, shall be declared elected. In case it cannot be determined which of two or more candidates shall be declared elected, by reason of the fact that they have received the same number of votes, the election authorities shall dtermine by lot which of said candidates shall be declared elected.

ARTICLE III. COMMISSION PLAN.

Number of commissioners; how elected.

SECTION 1. Form of government. The form of municipal government provided for in this article shall be known as the commission plan. In municipalities organized hereunder the only elective officers shall be the members of the municipal commission provided for in this act. Three commissioners shall be chosen in municipalities having not more than 10,000 inhabitants according to the last preceding federal census and five commissioners in all other municipalities. All such commissioners shall be elected from the municipality at large.

Election, term, vacancies.

SECTION 2. Election: term: vacancies. At the first election held after the adoption of the commission plan the entire number of commissioners shall be chosen. In municipalities having three commissioners the candidate having the highest number of votes at such first election shall hold office for four years and the remaining commissioners for two years. In municipalities choosing five commissioners the two candidates receiving the highest number of votes at such first election shall serve for four years and the remaining commissioners for two years. At all subsequent elections except where a commissioner is chosen to fill out an unexpired term, commissioners shall be chosen for a term of four years. Vacancies in the commission shall be filled by the commission for the remainder of the unexpired term. If the term of a commissioner whose place becomes vacant does not expire on the first day of January following the next regular municipal election, then such person chosen by the commissioners shall serve only until such regular election, at which time a commissioner shall be elected to fill the remainder of the unexpired term. When a vacancy occurs as the result of a recall election such vacancy shall be filled in the manner provided for such cases.

SECTION 3. Meetings of commission. At ten o'clock a. m. on the first day of January following a regular municipal election the commission shall meet at the regular place for holding such meetings, at which time the newly elected commissioners shall assume the duties of their office. Thereafter the commission shall meet in legislative session at least twice each month and in administrative session at least once each week, at such times as may be prescribed by ordinance or resolution, but no legislative business shall

Meetings; legislative and administrative sessions.

be considered or acted upon at administrative sessions. Upon written request of the chairman or any two members special legislative sessions of the commission shall be called by the clerk. Any such request shall state the subjects to be considered at such special meeting and no other subject shall be there considered.

Signing of ordinances.

SECTION 4. Signing of ordinances. Every ordinance or resolution passed by the commission shall be signed by the chairman or two members, filed with the clerk within two days and by him recorded.

Powers of commission.

SECTION 5. Powers of the commission. The powers conferred upon municipalities by the constitution of Ohio, and any additional powers which have been or may be conferred upon municipalities by the general assembly, shall be exercised by the commission or under its direction, unless the exercise of such powers shall have been expressly conferred upon some other authority of the municipality or reserved to the people thereof.

Administrative officers.

SECTION 6. Administrative officers. The commission shall appoint a clerk, treasurer, auditor and solicitor; but provision may be made by ordinance for the performance of the duties of clerk and treasurer by the same person.

Creation and discontinuance of offices.

SECTION 7. Creation and discontinuance of offices. Subject to the provisions of this act the commission shall have authority to create and discontinue departments, offices, and employments; to appoint or provide for the appointment of all officers and employes of the municipality; to remove any such officers or employe by a majority vote of all members and by ordinance or resolution to prescribe, limit or change the compensation of such officers and employes.

Supervision by commissioners.

SECTION 8. Supervision by commissioners. The commission may, at its discretion, assign the direction or supervision of particular departments or branches of the government to individual commissioners; but such action shall in no manner release the commission as a whole from responsibility or the condition of any department or branch of government so assigned.

ARTICLE IV. CITY MANAGER PLAN.

"City manager plan;" general description.

SECTION 1. General description. The form of government provided in this article, to be known as the "City manager plan," shall consist of a council of five or more citizens, according to the population of the municipality as determined by the last preceding census, who shall be elected at large. The council shall constitute the governing body of such city with power to pass ordinances, adopt regulations, appoint a chief administrative officer, to be known as the city manager, approve all appointments made by the city manager, except as otherwise provided in this act, fix all salaries, appoint a civil service commission and all boards or commissioners created by ordinance.

Size and term of council; vacancies.

SECTION 2. Size and term of council-vacancies. The number of councilmen shall be in proportion to the population of the municipality, as determined by the last preceding federal census, as follows: A municipality having not more than ten thousand inhabitants, five; more than ten thousand and not more than twenty-five thousand inhabitants, seven; more than twenty-five thousand inhabitants, nine. All councilmen shall serve for a term of four years and until their successors are elected and have qualified. Except that at the first election in municipalities having five councilmen, the candidates having the three highest number of votes shall serve for four years, the other two councilmen shall serve for two years, and in municipalities having more than five councilmen the majority of councilmen having the highest number of votes shall serve for a period of four years and the others for a period of two years. Vacancies in the council shall be filled by the council for the remainder of the unexpired term, but any vacancy resulting from a recall election shall be filled in the manner provided for in such cases.

Meetings of council.

SECTION 3. Meetings of council. The council shall meet at the usual place for holding such meetings, at ten o'clock a. m. on the first day of January after its election, at which time the newly elected councilmen shall assume the duties of their office. Thereafter the council shall meet in regular session at least twice each month at such times and places as shall be fixed by ordinance. The clerk shall call special sessions of the council upon written request of the chairman or of any two members. Any such requests shall state the subjects to be considered at such special meeting and no other subject shall be there considered.

Signing of ordinances.

SECTION 4. Signing of ordinances. Every ordinance or resolution passed by the council shall be signed by the chairman or two members, filed with the clerk within two days and by him recorded.

Powers of council.

SECTION 5. Powers of the council. The powers conferred upon municipalities by the constitution of Ohio, and any additional powers which have been or may be conferred upon municipalities by the general assembly, shall be exercised by the council unless the exercise of such powers shall have been expressly conferred upon some other authority of the municipality or reserved to the people hereof.

Administrative officers; appointment.

SECTION 6. Administrative officers. The council shall appoint a clerk, treasurer, auditor and solicitor; but provisions may be made by ordinance for the performance of the duties of clerk and treasurer by the same person.

Creation and discontinuance of offices; removal.

SECTION 7. Creation and discontinuance of offices. Subject to the provisions of this act, the council shall have authority to create and discontinue departments, offices and employments; to appoint or provide for the appointment of all officers and employes of the municipality; to remove any such officer or employe by a majority vote of all members and by ordinance or resolution to prescribe, limit or change the compensation of such officers and employes.

City manager.

SECTION 8. City manager. The council shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the council and who shall hold office at the pleasure of the council.

Duties of city manager.

SECTION 9. Duties city manager. The duties of the city manager shall be: (a) to see that the laws and ordinances are faithfully executed; (b) to attend all meetings of the council at which his attendance may be required by that body ;(c) to recommend for adoption to the council such measures as he may deem necessary or expedient; (d) to appoint all officers and employes in the classified service of the municipality, subject to the provisions of this act and the civil service law; (e) to prepare and submit to the council such reports as may be required by that body, or as he may deem advisable to submit; (f) to keep the council fully advised of the financial condition of the municipality and its future needs; (g) to prepare and submit to the council a tentative budget for the next fiscal year; (h) and to perform such other duties as the council may determine by ordinance or resolution.

Salary, oath, bond.

SECTION 10. Salary of city manager. The city manager shall receive such salary as may be fixed by the council; and before entering upon the duties of this office he shall take the official oath required by this act and shall execute a bond in favor of the municipality for the faithful performance of his duties in such sum as may be fixed by the council.

ARTICLE V. FEDERAL PLAN.

Federal plan; elective officers.

SECTION 1. Form of government. The form of government provided for in this article shall be known as the federal plan. In municipalities adopting this plan the only elective officers shall be mayor and members of council as provided for in this act. The mayor, the auditor, and heads of departments appointed by the mayor, shall constitute a board of control as hereinafter provided.

Council; number of members and term.

SECTION 2. Council. Term and number of members. All legislative power of the municipality shall be vested in a council consisting of not less than five (5) nor more than fifteen (15) members. In municipalities of less than ten thousand population members of the council shall be elected at large; in all others they shall be elected from wards or at large, as determined by the vote provided for in article 1, section 3 hereof. The term of office shall be two years when the council is elected by wards and four years when the council is elected at large. Except that at the first election in municipalities where the council is elected at large, and having three councilmen, the candidates having the two highest number of votes shall serve for four years, the other councilman shall serve for two years, and in such municipalities having more than three councilmen the majority of councilmen having the highest number of votes

shall serve for a period of four years and the others for a period of two years. When the council is elected by wards the number of councilmen shall be in proportion to the population of the municipality, as determined by the last preceding federal census, as follows: A municipality having not more than ten thousand inhabitants, five councilmen; more than ten thousand and not more twenty-five thousand, seven councilmen; more than twenty-five thousand and not more than fifty thousand, nine councilmen; and for each twenty-five thousand inhabitants in excess of fifty thousand, the number shall be increased by one; but the total number of councilmen shall not exceed fifteen. When the council is elected at large the number of councilmen shall be in proportion to the population of the municipality as determined by the last preceding federal census, as follows: A municipality not having more than ten thousand inhabitants, three councilmen; more than ten thousand and not more than twenty-five thousand, five councilmen; more than twenty-five thousand and not more than fifty thousand, seven councilmen, and for each twenty-five thousand inhabitants in excess of fifty thousand the number shall be increased by one, but the total number of councilmen shall not exceed nine.

Division into wards upon basis of population.

SECTION 3. Wards. When cities have a council elected by wards. For the first election of members of the council after the adoption of the federal plan, in any municipality having ten thousand inhabitants or more, the municipality shall be divided into wards by the legislative authority existing under the plan of government to be superseded. Immediately after the proclamation by the secretary of state as to the population of the municipalities of Ohio, as determined by the federal census decennially taken, the council shall have power to re-divide the municipality into wards upon the basis of its population; the object and purpose being that the wards of any municipality as fixed hereunder shall be as nearly equal in population as may be and composed of contiguous and compact territory, bounded by natural boundaries or street lines. Any member of the council elected from wards, who, at any time for his election was a resident of the ward which he represents shall forfeit his office if he removes from such ward, and the council shall fill the vacancy for the unexpired term.

Meetings of council; special sessions.

SECTION 4. Meeting of council. At ten o'clock a. m. on the first day of January following a regular municipal election the council shall meet at the usual place for holding such meetings, at which time the newly elected councilmen shall assume the duties of their office. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution; but it shall meet at least twice each month. Special sessions of the council shall be called by the clerk upon written request of the mayor, the chairman, or any two members. Any such report shall state the subjects to be considered at the meeting and no other subjects shall be there considered.

SECTION 5. Mayor's veto. Any ordinance or resolution passed by the council shall be signed by the chairman or two members and presented to the mayor. If the mayor approves such ordinance or resolution he shall sign it, but if he does not approve it, he shall return the same to the council with his objections within ten days thereafter or if the council be not then in session at the next regular meeting thereof, which objections the council shall cause to be entered in full on its journal. If the mayor does not return an ordinance or resolution within the time specified it shall take effect in the same manner as if he had signed it. The mayor may approve or disapprove the whole or any item or part of any ordinance or resolution appropriating money. When the mayor refuses to sign any ordinance or resolution or part thereof and returns it to the council with his objections, the council shall, after the expiration of not less than one week, proceed to reconsider it, and if upon reconsideration the resolution or ordinance or part; or item thereof disapproved by the mayor is approved by the vote of two-thirds of all the members elected to the council it shall then take effect as if it had received the signature of the mayor. In all such cases the votes shall be taken by "yeas" and "nays" and entered on the journal. Mayor's veto.

SECTION 6. Creation and discontinuance of officers. The council shall have authority to create and discontinue departments and offices other than those provided for in this act, and to provide for the appointment of all such officers, but the functions and number of subdepartments, and the number and salaries of subordinates and employes shall be fixed by the executive heads of the various departments, all of which provisions, however, shall be subject to the rules and regulations of the civil service commission as authorized by law. Creation and discontinuance of offices; appointment.

SECTION 7. The executive power. The executive power of the municipality shall be vested in the mayor, the heads of the departments hereinafter named, and such other executive officers as are provided for herein or as shall be provided for by ordinance. The executive power.

SECTION 8. The mayor. The mayor shall be elected at the regular municipal election for a term of four years and shall assume office on the first day of January next following his election. He shall appoint a director of public service, a director of public safety, a solicitor, and a treasurer. The council may provide by ordinances for combining the offices and duties of the directors of public service and public safety. The mayor and heads of departments shall not hold any other federal, state, county or municipal office, except that of notary public or member of the state militia, nor be an employe in any such office. Election of mayor; appointment of heads of departments.

SECTION 9. Powers and duties of mayor. The duties of the mayor shall be (a) to see that the laws and ordinances are enforced; (b) to recommend to the council for adoption, such measure as he may deem necessary or ex- Powers and duties of mayor.

pedient; (c) to keep the council fully advised of the financial condition and future needs of the municipality; (d) to prepare and submit to the council such reports as may be required by that body; (e) to appoint, whenever he deems it necessary competent, disinterested persons not exceeding three in number, to examine without notice the affairs of any department, officer, or employe, and the result of such examination shall be reported to his office, and also transmitted to him by the council without delay; (f) to perform such other duties as the council may determine by ordinance or resolution, not in conflict with the provisions of this article. Any person or persons appointed by the mayor to examine the affairs of any department, officer, or employe, shall have the same power to compel the attendance of witnesses and to compel the production of books, papers and other evidence and to punish for contempt, as is conferred upon the council or committee thereof, by this act.

Appointment and removal of officers.

SECTION 10. Appointment and removal of officers. Subject to the provisions of this act, all officers, clerks and employes of the several departments and subdivisions thereof, shall be appointed, employed, suspended or removed by the head of the department. The mayor may, without assignment of reason, remove any department head appointed by him.

Acting mayor; order of succession.

SECTION 11. Acting mayor. If the mayor be temporarily absent from the municipality, or become temporarily disabled by sickness, accident, or for any other cause, the heads of the departments named in this act shall during such absence or disability perform the duties of the mayor under the designation of the acting mayor in the following order: solicitor, director of public service, director of public safety, auditor, treasurer. If the mayor should die or remove his residence from the municipality during the term of his office, the succession to the office of mayor shall be from the heads of the departments in the same order as aforesaid, and such successor shall become the mayor of the municipality for the unexpired term. In the event of any temporary disability or absence on the part of any director or head of department hereinbefore provided for, the mayor may in writing designate some suitable person to perform his duties until he resumes his office.

Director of public service; duties.

SECTION 12. Director of public service. The department of public service shall be under the charge of a director to be appointed by the mayor as hereinbefore provided. He shall have the care, management, construction and improvement of all utilities owned or operated by the municipality; of all public ways, grounds, cemeteries, buildings, sewers and structures of every kind, except buildings and structures used in connection with the work to be performed under the direction of the director of public safety as hereinafter provided; of the making and preserving of survey maps, plans, drawings and estimates relating to the public work under the charge of the department: and of

all matters and things in any way relative to or affecting the highways, footways, waterways, harbors, wharves and docks, within the municipality, and he shall exercise the powers heretofore vested in the trustee of waterworks, park commissions, platting commissions, street commissions, city engineers, or other board of officers relating to the work herein committed to the care and management of the director of public service.

Director of public safety; duties.

SECTION 13. Director of public safety. The department of public safety shall be under the charge of a director to be appointed by the mayor as hereinbefore provided. The director of public safety shall have charge of the police, fire, health, charities and corrections, and building inspection of the municipality, and all powers and authority by any general law heretofore vested in boards or officers having authority over police, fire, health, charity and corrections, and building inspection shall be, and are hereby vested in the director of public safety. He shall have charge of the administration of all infirmaries, charitable, correction and penal institutions. He shall make such rules and regulations as are necessary and proper for the employment, discipline, instruction, education, reformation, and the conditional release and return of all prisoners confined in any penal institution under his control.

Board of control; powers and duties.

SECTION 14. Board of control. There shall be a board of control composed of the mayor, who shall be the president thereof, the auditor, and the heads of the departments appointed by the mayor. The board of control shall have stated meetings at least twice a week; shall keep a record of its proceedings; shall cause its votes to be taken by yeas and nays, and entered on the record and a majority of all the members of the board shall be necessary to adopt any motion, or order. No ordinance or resolution involving any expenditure of money for public improvements shall be passed until the same shall have been approved by the board of control, except upon a two-thirds vote of the council.

Mayor and heads of departments shall have seats in council.

SECTION 15. Seats in council. The mayor and the heads of the several departments shall have seats in the council. The mayor shall be entitled to introduce ordinances and take part in its proceedings and deliberations on all questions, and the heads of departments shall be entitled to take part in its proceedings and deliberations on all questions relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote.

Powers under federal plan.

SECTION 16. Powers of municipality. In municipalities adopting the federal plan, the powers conferred upon municipalities by the constitution of Ohio, and any additional powers which have been or may be conferred upon municipalities by the general assembly shall be exercised by the officers and authorities provided for in this article unless the exercise of such powers shall have been expressly

conferred upon some other authority of the municipality or reserved to the people thereof.

ARTICLE VI. GENERAL PROVISIONS—APPLICABLE TO EACH PLAN.

Provisions applicable to each plan.

SECTION 1. Applicable to each plan. The sections of this article shall apply to and be a part of each plan of government provided in this act. The powers conferred upon municipalities by the municipal code so far as applicable shall govern unless otherwise provided by law. Such provisions may be proposed by the legislative authority of any municipality, or by the electors of such municipality by petition in the manner prescribed by law for the submission of initiative petitions. Such provisions shall take effect and be in force when approved by the majority of the electors voting thereon. In municipalities adopting the commission plan of government provided in this act, the term "council" as used in this article and in article VII, shall be held to refer to the commission.

Treasurer; duties.

SECTION 2. Treasurer. The treasurer shall be the custodian of all moneys of the municipality, and shall keep and preserve the same in such manner and in such place or places as shall be determined by the council. He shall pay out money only on warrants issued by the auditor.

Auditor; duties.

SECTION 3. The auditor. The council shall choose an auditor whose duty it shall be to keep an accurate account of all taxes and assessments, of all money due to and all receipts and disbursements by the municipality, of all assets and liabilities of the municipality, and of all appropriations made by the council. He shall at the end of each fiscal year, and oftener if required by the council, audit the accounts of the several departments and officers, and shall audit all other accounts in which the municipality is interested. He may prescribe the form of reports to be rendered to his department, and the method of keeping accounts by all other departments, and he shall require daily reports to be made to him by each department showing the receipt of all moneys by such department and the disposition thereof. The auditor shall upon the death, resignation, removal, or expiration of the term of any officer, audit the accounts of such officer, and if such officer shall be found indebted to the municipality he shall immediately give notice thereof to the council and the solicitor, and the latter shall forthwith proceed to collect the same.

Payment of claims; procedure.

SECTION 4. Payment of claims. No warrant for the payment of any claim shall be issued by the auditor until such claim shall have been approved by the head of the department for which the indebtedness was incurred, and each head of department and his surety shall be liable to the municipality for all loss or damage sustained by the municipality by reason of the negligence or corrupt approval of any claim against the municipality in his department. Whenever any claim shall be presented to the

auditor he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employe, or any department of the municipality, or any other person, and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer.

Clerk; duties.

SECTION 5. Clerk. The council shall choose a clerk and such other officers and employes of its own body as may be deemed necessary. The clerk shall keep the records of the council and perform such other duties as may be required by ordinance or resolution. All officers and employes chosen by the council shall serve during the pleasure thereof.

Solicitor; duties.

SECTION 6. Solicitor. The solicitor shall act as the legal adviser to and attorney and counsel for the municipality, and for all officers in matters relating to their official duties. He shall prepare all contracts, bonds, and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof, and no contract with such municipality shall take effect until the approval of the solicitor is endorsed thereon. He or his assistants shall be the prosecutor or prosecutors in any police or municipal court, and shall perform such other duties and have such assistants and clerks as may be required or provided.

Qualifications of councilmen.

SECTION 7. Qualifications of councilmen. Members of the council shall be electors of the municipality. They shall not hold any other public office or employment except that of notary public or member of the state militia, and shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any members who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office and any such contract in which any member is or may become interested may be declared void by the council.

Salaries and attendance of councilmen.

SECTION 8. Salaries and attendance of councilmen. The council shall by ordinance fix the salary of its members which shall be paid in equal monthly installments. For each absence from regular meetings of the council, unless authorized by a two-thirds vote of all members thereof, there shall be deducted a sum equal to two per cent. of such annual salary. Absence for ten successive regular meetings shall operate to vacate the seat of a member unless such absence is authorized by council.

Chairman of council; duties.

SECTION 9. Chairman of council. At the first meeting following each regular municipal election, the council shall elect one of its members chairman, who shall preside at meetings of the council and perform such duties as may be imposed upon him as presiding officer, by the council.

Legislative procedure.

SECTION 10. Legislative procedure. A majority of all members of the council shall constitute a quorum to do business, but a smaller number may adjourn from day to

day and compel the attendance of absent members. The affirmative vote of a majority of the members of the council shall be necessary to adopt any motion, ordinance or resolution and on the passage of every ordinance or resolution the vote shall be taken by "yeas" and "nays" and entered upon the journal. Each proposed ordinance or resolution shall be in written or printed form, and shall not contain more than one subject which shall be clearly stated in the title; provided, however, that general appropriation ordinances may contain the various subjects and accounts for which money are appropriated. No ordinance, unless it be declared an emergency measure, shall be passed until it has been read on three separate days, the first and second reading of which may be by title only and in case said measure shall be printed and a copy thereof placed on the desk of each member then said third reading may be by title only.

Publication of ordinances.

SECTION 11. Publication of ordinances. All ordinances or resolutions shall be in effect from and after thirty days from the date of their passage except as otherwise provided in this act. Ordinances of a general nature, or providing for public improvements, or assessing property shall, upon passage, be promptly published one time in not more than two newspapers of general circulation in the municipality. Such ordinances shall be printed in the body type of the paper under head lines in eighteen point type, which shall specify the nature of such legislation. For the publication of ordinances no newspaper shall be paid any higher price than its maximum bona fide commercial rate.

Annual tax ordinances.

SECTION 12. Annual tax ordinances. An annual tax ordinance to determine the amount of the tax levy shall be prepared by the mayor, the chairman of the commission, or the city manager, as the case may be, under the direction of the council. For the purpose of preparing such ordinances the mayor, the chairman of the commission, or the city manager, as the case may be, shall require from the head of each office or department for which appropriations are made, a detailed statement, upon uniform blanks furnished by the mayor, the chairman of the commission, or the city manager, as the case may be, of the expenses of such office or department for the previous year or years and the estimated expense for the next year. The tax ordinance prepared by the mayor, the chairman of the commission, or the city manager, as the case may be, shall set forth in detail the probable revenues of the municipality from every source, in such form as to indicate the means by which it is proposed to provide for the estimated expenditures set forth in such ordinance, and shall also include detailed statements of the contemplated expenditures of the municipality and of each office, department and functional division thereof. After the tax ordinance is prepared by the mayor, the chairman of the commission, or the city manager, as the case may be, opportunity shall be given,

after at least one week's notice, for public hearings thereon. The ordinance shall then be submitted to the council and by them to the county budget commission which shall fix the total maximum tax levy permitted to the municipality for the ensuing year. The council shall then fix the actual tax lexy for the ensuing year, but such levy shall not be higher than the estimate submitted by the mayor, the chairman of the commission, or the city manager, as the case may be, or exceed the limit fixed by the county budget commission. Such levy shall not be higher than the maximum now provided for by law.

Annual appropriation ordinance; supplemental appropriations.

Section 13. Annual appropriation ordinance. An annual appropriation ordinance shall be prepared by the council from estimates submitted by the mayor, the chairman of the commission, or the city manager, as the case may be, in the same manner as herein provided for the annual tax ordinance. The annual appropriation ordinance shall be submitted to the council at its first meeting in January and the total of any appropriation ordinance passed by the council shall not exceed the total balances carried over from the previous year, plus the estimated revenue of the current year. Supplemental appropriations shall not be made during the current year except from a contingent fund regularly set aside by the council in the annual appropriation ordinance or unless by an ordinance passed as an emergency measure.

Limitation on apropriations.

Section 14. Limitation on appropriations. No money shall be drawn from the treasury of the municipality except in pursuance of appropriations made by the council, and whenever an appropriation is so made the clerk shall forthwith give notice to the auditor and treasurer. Appropriations may be made in furtherance of improvements or other objects or work of the municipality which will not be completed within the current year. At the end of each year all unexpended balances of appropriations shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriations.

Investigations by council; production of testimony.

Section 15. Investigations by council. The council or any commission thereof authorized by it so to do shall have power to compel the attendance of witnesses and the production of books, papers and other evidence, at any meeting of the council, or any committee thereof, and for that purpose may issue subpoenas or attachments in any case of injury or investigation, to be signed by the presiding officer of the council, or chairman of such committee as the case may be, which shall be served and executed by any officer authorized by law to serve subpoenas and other processes, and if any witness shall refuse to testify to any acts within his knowledge, or to produce any papers or books in his possession, or under his control, relating to the matter under inquiry, before the council or any such committee, the council shall have power to commit the witness to prison for contempt. No witness shall be excused from tes-

tifying touching his knowledge or the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury.

Annual reports of council.

SECTION 16. Reports of council—publicity. At the end of each year the council shall have printed an annual report, in pamphlet form, giving the classified statement of all receipts, expenditures, assets and liabilities of the municipality; a detailed comparison of such receipts and expenditures with those of year preceding; a summary of the council proceedings and a summary of the operations of the administrative departments for the previous twelve months. A copy of this report shall be furnished to the state bureau of accounting, the municipal library and to any citizen of the municipality who shall apply therefor at the office of the clerk. Similar reports may be printed quarterly at the discretion of the council. All meetings of the council or committees thereof shall be public and any citizen of the municipality shall have access to the minutes and records thereof at all reasonable times.

Civil service commission; qualifications, term, vacancies.

SECTION 17. Civil service commission. Within ten days after the first officers assume their duties, in any city adopting a plan of government provided in this act, the commission in cities adopting the commission plan, the council in cities adopting the city manager plan and the mayor in cities adopting the federal plan, shall appoint three persons who shall constitute the municipal civil service commission. Not more than two of such persons shall be of the same political party and they shall serve, one for two years, one for four years and one for six years and until their successors are appointed and have qualified. Upon the expiration of their respective terms of office, the appointing authority shall appoint their successors to hold office for a term of six years and until their successors are appointed and have qualified. Any vacancy in the civil service commission shall be filled by the appointing authority for the unexpired term. The appointing authority may at any time remove any of said civil service commissioners for misconduct, neglect of duty or malfeasance in office, first having given such commissioner an opportunity of being publicly heard in person or by counsel in his own defense. The commission or council shall provide suitable rooms and all necessary supplies and equipment for the proper conduct of the duties of the civil service commission.

Salaries and duties.

SECTION 18. Salaries and duties. The salaries of the civil service commissioners and of their assistants shall be determined by ordinance. The duties of the civil service commission shall be to enforce the provisions of the civil service law with respect to all offices and place of employment in such city. The civil service commission shall make such rules for the proper performance of its duties as it shall find necessary and expedient, and as are not inconsistent with the civil service law.

Disposition of fees and perquisites.

Officer shall receive no gift, etc., in addition to salary.

SECTION 19. Compensation. The salary of an elective officer shall not be changed during the term for which such officer was elected. All fees and perquisites authorized by law or ordinance appertaining to any office or officer in the municipal government shall be paid into the treasury, and unless otherwise provided shall be credited to the general fund, and no officer or employe of the municipality shall receive otherwise than as the representative of the municipality and for the purpose of paying same into the treasury any fee, present, gift, or emolument, or share therein, for official services, other than his regular salary or compensation, and any officer violating this prohibition shall thereby forfeit his office. No member of the council or other officer or employe thereof shall receive compensation for services rendered in any other department of the city government, nor shall they, nor any other officer, clerk, or employe of the municipality, act as agent or attorney for any person, company, or corporation, in relation to any matter to be affected by action of the legislative or any other department of the municipality, or by the action of any officer of the municipality. The violation of this prohibition shall be cause for removal.

Duties of officers.

SECTION 20. Duties of officers. The duties of all officers and employes shall be those prescribed by this act or by ordinance or resolution of the council.

Bonds.

SECTION 21. Bonds. The treasurer, auditor and such other officers or employes of the municipality as the council may direct, shall give a bond to the municipality for the faithful performance of their duties in the sum as the council may fix by ordinance or resolution. Premiums on official bonds may be paid by the municipality.

Oath of office.

SECTION 22. Oath of office. Every officer of the municipality and every employe holding a position upon annual salary before entering upon the duties of his office shall take and subscribe to an oath or affirmation, to be filed and kept in the office of the clerk, that he will support the constitution of the United States and the state of Ohio, and the charter and ordinances of the municipality; that he will not be influenced by any consideration except that of merit and fitness in the appointment or discharge of employes; that he will not make or authorize the expenditure of public money otherwise than for adequate consideration and efficient service to the municipality; that he will in all other respects faithfully discharge the duties of his position or office.

Existing offices abolished.

SECTION 23. Existing offices abolished. All offices, boards or commissions, except boards in charge of educational institutions, sinking fund and depository commissions, are hereby abolished; the title to any property controlled by such officers, boards or commissions is vested in the municipality; and their powers and duties shall be exercised and performed as provided in this act.

Schedule.

SECTION 24. Schedule. The powers which are conferred and the duties which are imposed upon any office or

department of the municipality under the laws of the state, or any ordinance which is in force at the time of the taking effect of this act, shall, if such office or department is abolished in pursuance of the provisions of this act, be thereafter exercised and discharged by the officer, board or department upon whom is imposed corresponding functions, powers and duties under the provisions of this act. Nothing herein contained shall impair or effect the validity of any contract or bond executed or authorized prior to the adoption by any municipality of one of the plans provided for in this act. When any such contract or bond contains provisions that the same be enforced by some officer, board or department therein named and where by the adoption of any plan provided for in this act such office, board or department is abolished, the powers conferred and the duties imposed with reference to the same upon the officer, board or department which has been abolished shall thereafter be exercised and discharged by the officer, board or department upon whom is conferred or imposed like powers, functions or duties under the provisions of this act.

Abandonment of plan, when and how.

SECTION 29. Abandonment of plan. Any municipality which shall have operated for five years under any plan provided in this act may abandon such organization, and may adopt any organization or form of government provided by this act and designated in the petition by proceeding as follows: Upon the filing of a petition with the board of deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections, as the case may be, containing the names of not less than ten per cent. of the electors of such municipality a special election shall be called by the council at which the following proposition shall be submitted: "Shall the municipality of (.....) abandon the (.....) plan and adopt the (name) plan as provided in article (.....) chapter (.....) of the General Code?" If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding regular municipal election shall be those prescribed by the statutes designated in the petition and upon the qualification of such officers such municipality shall be and become organized under the statutes designated; but such change shall not affect the property, right or ability of any nature of such municipality, but shall extend merely to such change in its form of government. The election for such change, shall be ordered and conducted, and the results declared as provided in section 2 of article I of this act, and in the general election laws of the state.

Conduct of election.

ARTICLE VII. INITIATIVE, REFERENDUM AND RECALL.

Initiative and referendum applicable to each plan.

SECTION 1. Adoption. All laws pertaining to the initiative and referendum in municipalities shall apply to and become a part of each plan of government provided for

in this act. The provisions of section 2 of this article shall be submitted to the electors of the municipality as prescribed in article I, section 3 hereof, with each and every plan of government, provided herein. Section 2 of this article shall form a part of any such plan of government and go into effect in such municipality only to the extent to which the provisions shall have been adopted as provided in article I, section 3 hereof.

Removal by recall; procedure.

SECTION 2. The recall. Any elective officer of any municipality may be removed from office by the qualified voters of such municipality. The procedure to effect such removal shall be as follows:

(1). A petition signed by qualified electors equal in number to at least fifteen per cent. of the total votes cast at the last preceding general municipal election, and demanding the election of a successor to the person sought to be removed, shall be filed with the deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections, as the case may be, which petition shall contain a general statement in not more than two hundred words of the grounds upon which the removal is sought. The form, sufficiency and regularity of any such petition shall be determined as provided in the general election laws.

(2). If the petition shall be sufficient, and if the person or persons whose removal is sought shall not resign within five days after the sufficiency of the petition has been determined, the council shall thereupon order and fix a day for holding an election to determine the question of his removal, and for the selection of a successor to each officer named in said petition, which election shall be held not less than thirty nor more than forty days from the finding of the sufficiency of the petition. The election authorities shall cause publication of notice and all arrangements to be made for holding such election, and the same shall be conducted and the result thereof returned and declared in all respects as are the results of general municipal elections.

(3). The nomination of candidates to succeed each officer sought to be removed shall be made without the intervention of a primary election by filing with the election authorities at least twenty days prior to such special election, a petition proposing a person for each such office, signed by electors equal in number to ten per cent. of the total votes cast at the last preceding general municipal election for the head of the ticket.

(4). The ballots at such recall election shall conform to the following requirements; with respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately following each such question, there shall be printed on the ballots, the two propositions in the order set forth:

"For the recall of (name of person)".

"Against the recall of (name of person)".

Immediately to the left of the proposition shall be placed a square in which the electors, by making a cross (X) mark, may vote for either of such propositions. Under each of said questions shall be placed the names of candidates to fill the vacancy. The name of the officer whose removal is sought shall not appear on the ballot as a candidate to succeed himself.

(5). In any such election, if a majority of the votes cast on the question of removal are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the candidate receiving the plurality of the votes cast for candidates for that office shall be declared elected. The successor of any person so removed shall hold office during the unexpired term of his predecessor. The question of the removal of any officer shall not be submitted to the electors until he shall have served for at least one year of the term during which he is sought to be recalled. The method of removal herein provided is in addition to such other methods as may be provided by law. If, at any such recall election, the incumbent whose removal is sought is not recalled, he shall be repaid from the city treasury his actual and legitimate expenses for such election, but such sum shall not exceed fifty per cent. of the sum which he is by law permitted to expend as a candidate at any regular municipal election.

The sectional number on the margin herein is in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28, 1913.
Approved May 6th, 1913. JAMES M. COX,
Governor.
Filed in the office of the Secretary of State May 10th, 1913.
313 G.

[House Bill No. 571.]

AN ACT

To divide the state into assessment districts; to provide for the appointment of district assessors, district boards of assessors, and district boards of complaints therein; to prescribe the powers and duties of such officers and boards, and to further define and prescribe the powers and duties of the prosecuting attorneys, the tax commission of Ohio, and other officers and boards, and to repeal sections 2578, 2583, 2584, 2591, 2629, 3349 to 3354 inclusive, 3363 to 3369 inclusive, 5366, 5367, 5393, 5394, 5396, 5466-2, 5542-8, 5542-9, 5542-9a, 5542-9b, 5542-9c, 5542-9d, 5542-10, 5542-11, 5543 to 5548 inclusive, 5565, 5566, 5567, 5569, 5572, 5575, 5578 to 5624-1 inclusive.

Be it enacted by the General Assembly of the State of Ohio:

Section 5579. Tax commission shall supervise assessment for taxation.

SECTION 1. In addition to all other powers and duties vested in or imposed upon it by law, the tax commission of Ohio shall direct and supervise the assessment for taxation of all real and personal property in the state. For the

purpose of such assessment, the state is hereby divided into assessment districts. Each county in the state shall constitute an assessment district. In each assessment district which contained, at the last preceding federal census, less than sixty-five thousand inhabitants, there shall be appointed, in the manner provided in this act, one deputy state tax commissioner, who shall be known as the district assessor. In all other assessment districts, there shall be appointed, in the manner provided in this act, two deputy state tax commissioners, not of the same political party, who shall constitute the district board of assessors. Wherever used in this act, the term "district assessor" shall mean and include also the district board of assessors herein provided for, or a member thereof, as the case may be. Such district assessor shall, under the direction and supervision of the tax commission, be the assessors of real and personal property for taxation, within and for their respective districts, except as may be otherwise provided by law. There shall also be appointed in each assessment district, in the manner provided in this act, three persons who shall constitute a board to hear complaints and review assessments of real and personal property for taxation, which shall be known as the district board of complaints.

Assessment districts and assessors.

Board to hear complaints and review assessments.

Section 5580.

SECTION 2. Each district assessor shall be apopinted by the governor on or before the first day of November, 1913, and shall hold his office until his successor is appointed and qualified, except as otherwise provided by law. He shall be an elector of the district for which he is appointed, and upon ceasing to be such, his office shall be vacant. The tax commission of Ohio may with the consent of the governor remove any district assessor.

District assessor; appointment, vacancy, removal.

Section 5581.

SECTION 3. Each district assessor shall appoint such number of deputy assessors, assistants, experts, clerks and employes as may, from time to time, be prescribed for his district by the tax commission of Ohio. Such deputy assessor, assistants, experts, clerks, and employes shall hold their respective offices and employments for such times as may be prescribed by the tax commission.

Deputy assessors, assistants, etc.

Section 5582.

SECTION 4. The district assessor shall, annually, under the direction and supervision of the tax commission, list and value for taxation all real and personal property subject to taxation in the county constituting his assessment district, except as otherwise provided by law. The deputy assessor shall have and perform, under the direction of the district assessor, and in such territory as may be assigned to him by the district assessor, all powers and duties of the district assessor, except those provided for by sections 7, 8, 12, 21, 22, 23, 28, 29, 31, 32, 47, 49, 53, 58, 63, 64 and 65 of this act, and sections 2574, 2588, 5384, 5387, 5397, 5398, 5399, 5400, 5401, 5405, 5411, 5412, 5556, 5557, 5558, 5559, 5573, 5574, 5578, of the General Code as herein amended. Wherever in the General Code, excepting in said sections, the words "assessor", "district assessor", "town-

Powers and duties of district assesssors.

ship assessor", "ward assessor", "precinct assessor", "assessor of real estate" or "assessor of real property" are used, the same shall be deemed to mean the district assessor or the deputy assessor, as the case may be, and the offices held by such officers shall be deemed to be and are hereby abolished. The district assessor or his deputy shall, unless otherwise provided by law, perform, or cause to be performed, all the duties, exercise all the powers and be subject to all the liabilities and penalties devolved, conferred or imposed by law upon such officers.

Section 5583.

Further duties of district assessor in the listing and valuation of property.

SECTION 5. Wherever any person, company, firm, partnership, association or corporation is by an existing provision of law required to return property to the county auditor for taxation, the same shall be returned to the district assessor; and whenever the county auditor is by any existing provision of law charged with any duty or vested with any powers in making up the original tax list, or in listing and valuing any property which has been omitted from the tax list, or in correcting any returns or statements of property for taxation, either with respect to its valuation or amount, such duty shall devolve upon and be performed by the district assessor, and such power shall vest in him and be exercised by him; provided, that if the county auditor has reason to believe or is informed that any property subject to taxation in his county has been omitted from the tax list, or has been improperly valued or assessed, he shall notify the district assessor to that effect, and furnish him any facts and information within his knowledge bearing thereon.

Section 5584.

Time when property shall be listed or returned and when liability attaches.

SECTION 6. Whenever any property is by any existing provision of law required to be listed or returned for taxation at any time between the second Monday of April and the third Monday of May, in any year, such property shall be listed or returned between the first Monday of February and the first Monday of June, annually; whenever any property is by any existing provision of law required to be valued as of the day preceding the second Monday of April, in any year, such property shall be valued as of the day preceding the first Monday of February, annually; and whenever the liability of any person or of any property to taxation is by any existing provision of law to be determined by reference to the day preceding the second Monday of April, said liability shall be determined by reference to the day preceding the first Monday of February; provided, that the provisions of this section shall not apply in any case where property is by any existing provision of law required to be returned for taxation, or to be valued by, the tax commission of Ohio; nor in any case where the liability of any person or of any property to taxation is by any existing provision of law required to be originally determined by the tax commission.

Section 5585.

Returns of district assessor how and when to be made.

SECTION 7. On or before the first Monday of July annually, the district assessor shall compile and make up, in tabular form and geographical order, separate lists of the names of the several persons, companies, firms, partner-

ships, associations and corporations in whose names real or personal property has been listed in each township, city, village, special district or separate school district in his assessment district, placing separately, in appropriate columns opposite each name the description of each tract, lot or parcel of real estate, the value of each said tract, lot or parcel and the value of the improvements thereon, if any, and the aggregate value of the personal property as listed therein and revised by him, and the number of dogs and the value, if given by the owner. If the name of the owner of any tract, lot or parcel of real estate or of any item of personal property is unknown, the word "unknown" shall be entered in the column of names opposite said tract, lot, parcel, or item. Such lists shall be prepared in triplicate. On or before the first Monday in September in each year the district assessor shall correct such lists in accordance with the additions and deductions ordered by the tax commission of Ohio and by the board of complaints and shall certify and deliver two copies thereof to the county auditor. The copies delivered to the county auditor shall constitute the auditors' tax list and treasurer's duplicate of real and personal property for the current year. In making up such tax lists, the district assessor may place each town lot in its numerical order, and each separate parcel of land in each township according to the numerical order of the section.

Correction of lists as to additions and deductions.

Section 5586. SECTION 8. Whenever the tax commission of Ohio is required by law to certify to the county auditor any valuations or assessments, or apportionments thereof, ascertained, determined or fixed by it, such valuations, assessments and apportionments be, in like manner, certified to the district assessor, who shall enter the same on the tax list in his office.

Assessments by tax commission certified to auditor and district assessor.

Section 5587. SECTION 9. Before making out and compiling the tax lists and duplicate, the assessor shall examine and revise the statements and returns of all property, both real and personal, to see that the valuations thereof are equal and uniform throughout the assessment district, and that all property, and each and every class, kind or description thereof, is valued for taxation through his district at its full and true value in money. If he finds any statement or return to be erroneous, either in the amount of property listed in the name of any person, company, firm, partnership, association or corporation, or in the valuation of any item or items thereof, he shall correct such statement or return.

Revising returns before compiling tax lists.

Section 5588. SECTION 10. All files, statements, returns, reports, papers or documents of any kind whatsoever in the office of a district assessor or of a district board of complaints or in the official custody or possession of such officer or board shall be open to public inspection.

Returns, statements, etc., open to public inspection.

Section 5589. SECTION 11. The district assessor shall place on file all the statement and returns of property as revised by him in his office, arranged in alphabetical order, the different

Filing and preserving statements and returns.

townships, cities, and villages in separate bundles, and shall carefully preserve them therein for at least five years, after which he shall destroy the same.

Section 5590.

SECTION 12. Whenever, after the first Monday of February and before the first day of October, in any year, it is made to appear to the district assessor, by the oath of the owner, or one of the owners of a building or structure, land, orchard, timber, ornamental trees or groves, or tangible personal property, or by the affidavit of two disinterested persons, residents of the township, city or village in which the same is or was situated, that such building, structure, land, orchard, timber, ornamental trees or groves, or tangible personal property is listed for taxation for the current year, and has been destroyed or injured by fire, flood, tornado, or otherwise, after the first Monday of February of the current year, he shall investigate the matter, and deduct from the valuation of the property of the owner of such destroyed property, on the tax list for the current year, an amount which, in his judgment, fairly represents the extent of the injury or destruction; provided, however that no such deduction shall be made in the case of an injury to, or destruction of, a building, structure, land, orchard, timber, ornamental trees or groves resulting in damage of less than one hundred dollars, nor shall any deduction be made for or on account of any damage or loss which is covered by insurance, nor on account of any sheep killed by dogs. The district assessor shall certify the deductions made by him under the provisions of this section to the county auditor, who shall correct his tax list and the treasurer's duplicate in accordance therewith.

Deductions from valuation for injured or destroyed property.

Section 5591.

SECTION 13. In each assessment district of the state there shall be appointed annually by the tax commission of Ohio with the consent of the governor three competent persons who shall constitute a "district board of complaints" for such district. Any member of such board may be removed by the tax commission of Ohio with the consent of the governor. In the month of May, 1914, the tax commission of Ohio shall appoint on each district board of complaints one member who shall hold his office for the term of one year, one member who shall hold his office for the term of two years, and one member who shall hold his office for the term of three years. Upon the expiration of the term of office of each member so appointed his successor shall be appointed in the same manner for a term of three years. Each member of the district board of complaints shall be an elector of the assessment district. Not more than two members of the district board of complaints shall be of the same political party; and no more than two members thereof shall be residents of the same township, city or village; provided, however, that if the amount of taxable property in any city within an assessment district exceeds the amount of taxable property outside of such city and within the assessment district, two members of the district board of complaints in any such assessment district

"District Board of Complaints," appointment and qualification of members.

may be residents of such city. Whenever any member of the district board of complaints by reason of removal from one township, city or village, or otherwise, ceases to possess any of the qualifications required in this section his office shall be vacant.

Section 5592. SECTION 14. It shall be the duty of the board of complaints to hear all complaints relating to the assessment of both real and personal property. It shall have power to lower or raise the assessments of all property submitted to it for review, or it may order a re-assessment by the original assessing officer. At any hearing before the board, the assessing officer may appear to defend his assessments. Either party may appeal to the tax commission of Ohio from the decision of the board. If the board has reason to believe or is informed that any property subject to taxation in its assessment district has been omitted from the tax list, or has been improperly valued or assessed, it shall notify the district assessor to that effect and furnish him any facts and information within its knowledge bearing thereon.

Powers and duties of board.

Section 5593. SECTION 15. The board of appraisers and assessors provided for in subsection 33 of section 1465 of the General Code, is hereby abolished.

Section 5594. SECTION 16. Each district board of complaints shall organize annually on the first Monday of August by the election of a chairman for the ensuing year. The county auditor of the county constituting the assessment district shall be secretary of the board of complaints of the district. He shall be present at each meeting of the board in person or by deputy, shall keep an accurate record of the proceedings of the board in a book to be kept for the purpose and perform such other duties as the board may order, or as may be incident to the position. For his services as secretary of such board he shall receive out of the county treasury upon the order of the board five dollars for each day the board is in session, which shall be paid into his fee fund.

Organization; record of proceeding.

Section 5595. SECTION 17. Each district board of complaints shall appoint such number of experts, clerks and employes as may, from time to time, be prescribed for it by the tax commission of Ohio. Such experts, clerks and employes shall hold their employments for such time as may be prescribed by the tax commission of Ohio.

Employment of experts, clerks, etc.

Section 5596. SECTION 18. The district board of complaints shall have power to investigate all complaints against assessments on the tax list, with respect to the amount of property listed as well as with respect to the valuation at which the same is listed. The power of the board shall extend to all cases in which real estate or personal property has been assessed for taxation for the current year, and to addition and corrections made during the next preceding year to the tax lists of previous years, but not to assessments, additions or corrections made by the tax commission of Ohio.

Extent of power of board relative to amount and valuation of property.

Section 5597.

When board shall begin its session.

SECTION 19. The district board of complaints shall begin its session on the first Monday of August annually, and may adjourn from day to day. The board shall complete its work within such time as may be fixed for the completion thereof by the tax commission of Ohio.

Section 5598.

Quorum; investigations.

SECTION 20. A majority of a district board of complaints shall constitute a quorum to hear and determine any complaint, and any vacancy shall not impair the right of the remaining members of such board to exercise all the powers thereof so long as a majority remains. Any investigation, inquiry or hearing may be undertaken or held by or before any one member of the board. Any investigation, inquiry, hearing or decision of the district board of complaints, when approved and confirmed by the board, and so shown upon its record of proceedings, shall be deemed to be the official action of the district board of complaints.

Section 5599.

Notice of completion of tax lists and same are open for inspection.

SECTION 21. On or before the first day of July, annually, the district assessor shall give ten days' notice, by advertisement in two newspapers, published in and of general circulation throughout the county that the tax lists for the current year have been completed and are open for public inspection in his office, and that complaints against any valuation or assessment, except the valuations fixed and assessments made by the tax commission of Ohio, will be heard by the district board of complaints stating in the notice the time and place of the meeting of such board. Such advertisement shall be inserted in a conspicuous place in each such newspaper and be published daily during the ten days next preceding the date of such meeting, unless there be no daily newspaper published in and of general circulation throughout such county, in which event such advertisement shall be so published once each week for the two weeks next preceding the date of such meeting. The district assessor shall, upon request, furnish to any person a certificate setting forth the assessment and valuation of any tract, lot or parcel of real estate or any specific personal property, and mail the same, when requested to do so, upon the furnishing of sufficient postage.

Certificate of valuation upon request.

Section 5600.

Mailing copies of changed assessment.

SECTION 22. On or before the 15th day of July annually the district assessor shall cause to be printed a list showing all changes made in the assessment of any tract, lot or parcel of real estate or improvements thereon or minerals or mineral rights therein and shall cause a copy of such list to be mailed to each owner whose assessment has been changed, if known, and if not, then to his agent, if known.

Section 5601.

Publication in pamphlet, assessment of real estate in cities, townships and villages every five years.

SECTION 23. On or before the 1st day of September in the year nineteen hundred and fifteen, and every five years thereafter, the district assessor shall cause to be printed, in pamphlet form, complete lists showing the assessment of all real estate in each ward of each city in his assessment district. Such lists shall contain the lot number, street number, if any, feet frontage and valuation, as finally fixed and

determined, of each lot and parcel of real estate therein and improvements thereon, which improvements shall be separately listed. The district assessor shall cause a copy of such list to be mailed to each owner of real estate in the wards, if known, and if not known, then to his agent, if known. At the same time the district assessor shall cause to be printed in pamphlet form separate lists showing the assessment of all the real estate in each township and village in his assessment district. Such lists shall contain the lot number, street number, if any, township, range, survey, acreage and valuation, as finally fixed and determined, of each tract, lot and parcel of real estate therein and improvements thereon, and minerals or mineral rights therein, which improvements, minerals and mineral rights shall be separately listed. The district assessor shall cause a copy thereof to be mailed to each owner of real estate in the township or village, if known, and if not known, then to his agent, if known.

Section 5602. SECTION 24. Complaints against any valuation or assessment on the tax list for the current year may be filed with the county auditor before the meeting of the district board of complaints or thereafter during its session. Any taxpayer may file such complaint as to the valuation or assessment of his own or other's property, and the county commissioners, the prosecuting attorney, county auditor, county treasurer or any board of township trustees, any board of education, mayor or council of any municipal corporation in the county shall have the right to file such a complaint.

Who may file complaints and where.

Section 5603. SECTION 25. The county auditor shall lay before the district board of complaints all complaints filed with him. The board shall investigate all such complaints and may increase or decrease any valuation or correct any assessment complained of, and no other.

Auditor shall file complaints with board for investigation.

Section 5604. SECTION 26. The district board of complaints shall in all respects be governed by the laws respecting the valuation of real and personal property and shall make no change in any valuation complained of except in accordance with such laws.

Law governing board in valuations.

Section 5605. SECTION 27. The district board of complaints shall not increase any valuation complained of without giving reasonable notice to the person in whose name the property affected thereby is listed, and affording him an opportunity to be heard. Such notice shall describe the real or personal property the tax value of which is to be acted upon, by the description thereof, as carried on the tax list of the current year, and shall state the name in which it is listed.

Notice before increase of valuation.

Section 5606. SECTION 28. The district board of complaints may increase or decrease any valuation complained of and increase or reduce the listed amount of any taxable property, upon its own initiative or if the party affected thereby or his agent makes and files with the board a written application therefor, verified by his oath, showing the facts upon which it is claimed such increase or decrease or reduction should

When board may increase or decrease valuation upon its initiative.

be made, but not without affording the district assessor an opportunity to be heard thereon.

Section 5607.

Certificate to assessor for correction of tax lists.

SECTION 29. The district board of complaints shall certify its action to the district assessor, who shall correct the tax lists and duplicates according to the deductions and additions ordered by the board, in the manner provided for by law for making corrections thereof. If the tax list and duplicate have been delivered to the county auditor, the district assessor shall certify such corrections to him and he shall enter such corrections on his tax list and the treasurer's duplicate.

Section 5608.

Evidence before board shall be taken and preserved.

SECTION 30. The district board of complaints shall take full minutes of all evidence given before the board and may cause the same to be taken in shorthand and extended in typewritten form. The secretary of the board shall preserve in its office separate records of all minutes and documentary evidence offered on each complaint.

Section 5609.

Appeal from decision of board; how taken.

SECTION 31. An appeal from the decision of a district board of complaints may be taken to the tax commission of Ohio, within thirty days after the decision of such board, by the district assessor, or by any complainant, as provided in section twenty-four of this act. Such appeal shall be taken by written notice to that effect filed with the tax commission and with the county auditor, who shall thereupon certify to the commission a copy of the record of the board of complaints, pertaining to the original complaint, together with the minutes thereof, and all evidence, documentary or otherwise, offered in connection therewith. Upon receipt of notice of appeal, the county auditor shall notify all parties interested, and shall file proof of such notice with the tax commission of Ohio.

Section 5610.

Hearing of appeal.

SECTION 32. The tax commission of Ohio may hear the appeal on the record, minutes and evidence thus submitted or may in its discretion make other investigations with respect to the complaint. The commission shall ascertain and determine the true value in money of the property complained of and certify its action to the district assessor and county auditor, who shall correct the tax lists and duplicate in the manner provided by law for making corrections thereof.

Section 5611.

Certifying appointment of assessors, members of boards, employes, removals and changes.

SECTION 33. The appointment of district assessors and members of district boards of complaints shall be certified to the auditor of the counties constituting the districts for which the appointments are made and to the tax commission of Ohio. The action of the tax commission of Ohio fixing the number of appointees and employes of district assessors and district boards of complaints shall be certified to the respective district assessors and district boards of complaints. Removals and changes in the number of appointees and employes shall be certified in like manner. Appointments or employments made by the district assessors and district boards of complaints shall be certified to the county auditor of the county constituting the assessment district and to the tax commission of Ohio.

Section 5612. SECTION 34. The salary of each district assessor shall not exceed the salary of the auditor of the county constituting the assessment district as determined by sections twenty-nine hundred and ninety and twenty-nine hundred and ninety-six of the General Code, but shall not be less than fifteen hundred dollars, in any case. Such salaries shall be fixed within such limits by the tax commission of Ohio, with the approval of the governor, by order directed to the proper county auditor. The compensation of the members of each district board of complaints shall not be less than three dollars and fifty cents nor more than ten dollars per day for each day the board is in session, and shall be fixed within such limits by the tax commission of Ohio, with the approval of the governor by order directed to the proper county auditor. The salary or compensation of each officer and employe mentioned in this section may be changed at pleasure by the officer or board having authority originally to fix it. Salaries and compensation.

Section 5613. SECTION 34-1. The salaries or compensations of deputy assessors and other employes of the district assessor shall be fixed by the district assessor, subject to the approval of the tax commision of Ohio. The salaries or compensations of experts, clerks and other employes of the district board of complaints shall be fixed by the district board of complaints, subject to the approval of the tax commission of Ohio. Salary of deputy assessors, experts, etc.

Section 5614. SECTION 35. The salaries of the district assessor and members of the district board of complaints shall be paid monthly out of the county treasury on the warrant of the county auditor. The salaries and compensation of the deputies, assistants, experts, clerks and employes of the district assessors and of the experts, clerks and employes of the district board of complaints shall be paid in like manner upon the certificate of the district asessor or district board of complaints, as the case may be. The contingent expenses of the district assessor and district board of complaints, including postage and express charges, their actual and necessary traveling expenses and those of their deputies, assistants, experts, clerks or employes on official business outside of the district when required by orders issued by the tax commission of Ohio shall be allowed and paid as claims against the county; provided, however, that such salaries and compensation and such expenses when allowed shall constitute a charge against the county, regardless of the amount of money in the county treasury appropriated for such purposes and notwithstanding any failure of the county commissioners to levy or appropriate funds therefor. How salaries and compensation paid.

Section 5615. SECTION 36. District assessors, deputy assessors and members of district boards of complaints shall give bond, payable to the state, for the faithful performance of their respective duties. The form of such bonds shall be prescribed by the attorney general and furnished by the tax commission of Ohio, and their execution shall be approved Bond; oath.

by the prosecuting attorney of the proper county. Each bond when executed shall be submitted, with the oath of office endorsed thereon, to the auditor of the county wherein the principal resides. If the auditor approves the surety thereon, he shall endorse his approval on the bond and file it in his office and there safely keep it. The sureties on such bonds may be released from liability thereon in the manner and subject to the limitations provided by section twelve thousand one hundred and ninety-five to section twelve thousand one hundred and ninety-seven, inclusive, of the General Code. Each such bond, and the principal thereon, personally, shall be liable, in addition to any other liability growing out of the exercise of the powers and duties of his office by the principal, for any damage to any person caused by any neglect, default, fraud or unlawful act of the principal, of which he may be guilty while acting within the scope of his official duties or under color of his official authority. The bond of a district assessor shall be in the sum of five thousand dollars, that of a deputy assessor in the sum of one thousand dollars, and that of a member of a district board of complaints in the sum of two thousand dollars.

Section 5616. Vacancies.

SECTION 37. Vacancies in any office or employment provided for in this act, for which a term is fixed herein, shall be filled for the unexpired term. Vacancies in offices or employments, the tenure of which is prescribed by the tax commission of Ohio, shall be filled for the remainder of the period so prescribed. The person appointed to fill a vacancy in any office or employment provided for in this act, except those last mentioned, shall continue in his office or employment until his successor is appointed, or employed and qualified. All appointments to fill vacancies shall be certified in the same manner as is provided in this act for original appointments. The county auditor of the county constituting the assessment district shall forthwith notify the appointing authority and the tax commission of Ohio of any vacancy in the office of district assessor or member of the district board of complaints in his district. If the appointing authority fails to fill the vacancy within ten days after receipt of such notice, the tax commission of Ohio shall make the appointment.

Section 5617. Assessors and members of board shall hold no other office.

SECTION 38. A district assessor, deputy assessor, member of a district board of complaints or any assistant, clerk or other employe of a district assessor or district board of complaints shall not, during his term of office or period of service or employment, as fixed by law or prescribed by the tax commission of Ohio, hold any office of profit, except offices in the state militia and the office of notary public.

Section 5618. Oath of district and deputy assessors.

SECTION 39. Each district assessor, before entering upon the discharge of the duties of his office, shall take and subscribe an oath, faithfully and impartially to assess all real and personal property in his district, and otherwise faithfully to perform the duties imposed upon him and impartially to exercise the powers vested in him by law. Each

deputy assessor, shall before entering upon the discharge of the duties of his office, take and subscribe an oath, faithfully and impartially to assess all real and personal property in the territory assigned to him by the district assessor and otherwise faithfully to perform the duties imposed upon him and impartially to exercise the powers vested in him by law. Each member of a district board of complaints shall, before entering upon the discharge of the duties of his office, take and subscribe an oath faithfully and impartially to discharge the duties of his office.

Section 5619. SECTION 40. District assessors shall, at all times, and district boards of complaints shall, during the times fixed for their session, keep their respective offices open during business hours on each business day. District assessors, members of district boards of complaints, their deputies, assistants, experts, clerks and other employes shall, during their terms of office, or periods of service or employment, devote their entire time to their respective duties; provided, however, that district assessors or district boards of complaints may, with the approval of the tax commission of Ohio, employ assistants, experts, clerks or other employes with the understanding that they shall devote a part only of their entire time to their respective employments.

Office hours and service required.

Section 5620. SECTION 41. The county commissioners shall furnish for the district assessor and the district board of complaints for their county, and their deputies, assistants, experts, clerks and employes suitable office rooms at the county seat and the district assessor shall furnish for his own office for the district board of complaints all maps, plats, stationery, blank forms, books, supplies, furniture and other equipment necessary for the proper discharge of their duties and for the preservation and safe keeping of their books, records and files. Provided, however, that the maps, plats, stationery, blank forms, and other supplies and equipment used by the district assessor, shall so far as is practicable, be used also by the district board of complaints. In case any board of county commissioners fails or refuses to furnish such rooms, maps, plats, stationery, blank forms, books, supplies, furniture and other equipment, the tax commission of Ohio, upon complaint of the district assessor or district board of complaints, may authorize the district assessor or the district board of complaints, as the case may be, to procure such rooms, furniture, maps, plats, stationery, blank forms, books, supplies and other equipment, as may be deemed necessary by the commission, and the amount so authorized to be expended for such purpose shall constitute a charge against the county, regardless of the money in the county treasury appropriated for such purposes and notwithstanding any failure of the county commissioners to levy or appropriate funds therefor.

Offices, equipment and supplies.

Section 5621. SECTION 42. Each district assessor, deputy assessor, assistant assessor, expert or clerk of a district assessor and member or secretary of a district board of complaints shall

Power to administer oaths.

have power to administer oaths and to certify to official acts in any matter, relating in any way to his official duties.

Section 5622.

Penalty for neglect of duty.

SECTION 45. Whoever, being a district assessor or a member of a district board of complaints or a deputy assessor, assistant, expert, clerk, or other employe of a district assessor or a district board of complaints, refuses or knowingly neglects to perform any duty enjoined on him by law, or consents or connives at any evasion of the provisions of title I, part second, of the General Code, whereby property required to be assessed is unlawfully exempted, or the valuation thereof entered at less than its true value, for each such neglect, refusal, consent or connivance shall be fined not less than two hundred dollars nor more than one thousand dollars.

Section 5623.

Additional duties of assessors and boards.

SECTION 46. In addition to the duties specifically imposed by law upon district assessors, deputy assessors and district boards of complaints, they and each of them shall perform such other duties as the tax commission of Ohio in the exercise of its powers may from time to time direct, and in the discharge of such duties they and each of them shall exercise all and singular the powers in them vested by this act.

Section 5624.

Legal adviser and prosecutor.

SECTION 47. The prosecuting attorney shall be the legal adviser of the district assessor. He shall prosecute and defend all actions and proceedings, in any court, to which the district assessor or the district board of complaints may be a party; and in all respects act as the attorney of the district assessor or the district board of complaints, as the case may be. He shall upon request of the district assessor or district board of complaints, appear in any investigation or examination which either of them is authorized to make, and examine the witnesses or in any other manner aid them in such investigation or examination.

Section 5624-1.

Attorney general shall assist on request.

SECTION 48. The attorney general, on the request of the tax commission of Ohio, shall assist the prosecuting attorney in the performance of any duties required of him by the next preceding section.

Section 5624-2.

Report of violations.

SECTION 49. The tax commission of Ohio, district assessors and district boards of complaints shall notify the prosecuting attorney of the proper county of any wilful violations of the laws relating to the assessment of real and personal property for taxation, by person, firms, partnerships, associations or corporations, for which a penalty, either civil or criminal, may be provided by law, and shall sign and verify affidavits or petitions with respect thereto when prepared by the prosecuting attorney.

Section 5624-3.

Duty of auditor as to abstracts, maps, plat books, etc.

SECTION 50. The auditor of each county shall on or before the first Monday in February, nineteen hundred and fourteen, make and deliver to the district assessor an abstract from the books in his office, containing a description of each tract, lot and parcel of real property situated within such county, with the name of the owner thereof, if known, and the number of acres or quantity of land contained there-

in, together with the valuation of the land and improvements thereon separately stated, as it appears on his books, and a map of each township and village within each township and of each city within the county, with such plat books as may be necessary to enable the district assessor to perform the duties imposed upon him by law.

Section 5624-4. SECTION 51. The auditor of each county shall, on the first Monday in February, 1915, and annually thereafter, make out and certify to the district assessor a list, showing all the transfers of the title to land made in the county during the next preceding year. Such list shall show whether the transfer was made by will, by deed of conveyance, or by judgment or decree, the names of the devisor and devisee, grantor and grantee, and the parties in favor of and against whom a judgment or decree was rendered, with the title of the cause, the nature of the estate transferred, the character of the interest in the land conveyed, the quantity and location of the land or interest transferred, and if a part of a tract, of what tract it was a part when the whole tract was transferred, with reference to the book and page showing such transfer. Such list shall also show the consideration for each such transfer of title or the true value of the land transferred, as entered on his transfer book.

Certified list of transfers of title furnished assessor.

Section 5624-5. SECTION 52. Each district assessor, deputy assessor, member of a district board of complaints and each assistant, expert, clerk or employe of a district assessor or district board of complaints may, at all reasonable times, examine and make memoranda from any and all records, books, papers, documents, statements or accounts of record or on file in any public office of any county, township, city, village, school district or special taxing district in the state, including the offices of justice of the peace, free of charge, and the officers thereof shall furnish information of any and all matters of record or on file in their respective offices as may be required by such district assessor or member of a district board of complaints. The tax commission of Ohio, or any person or persons employed by the commission for that purpose, shall have like powers, and in addition thereto may examine and make memoranda from any records, books, papers, documents, statements or accounts of record or on file in any office or department of the state, and all public officers, including officers of the state, shall furnish to the tax commission of Ohio information of any and all matters or record or on file in their respective offices as may be required by the commission. Any assistant, expert, clerk or employe of a district assessor or a district board of complaints or person employed by the tax commission of Ohio shall exhibit the written order of the district assessor, district board of complaints or tax commission of Ohio, as the case may be, before being entitled to make such examination. Nothing in this act shall be construed or held to authorize the tax commission, or any of its agents, or employes, to examine the accounts or records of

Right of assessment, officers to examine and make memoranda of public records and accounts.

any banking or financial institution which is subject to official inspection under the laws of the state of Ohio or of the United States, nor to demand or receive any list of depositors, stock depositors, members or others who transact business in or with such institutions.

Section 5624-6.

Duty of assessors discovering property subject to assessment in another district.

SECTION 53. If any district assessor or district board of complaints discovers the existence of any taxable personal property subject to be listed and assessed for taxation in another assessment district, such district assessor or district board of complaints shall notify the district assessor of the assessment district in which such personal property is required to be listed and assessed and shall transmit to him by mail all information coming to their knowledge respecting such personal property. If any district assessor or district board of complaints discovers or has reason to believe that personal property subject to be listed in their assessment district is located in another assessment district, or that the district assessor of any other assessment district has the means of acquiring any information respecting such property, such district assessor or district board of complaints shall notify the district assessor of such other taxing district, who shall, upon request, make such inquiries and investigations as may be required and furnish the same to such district assessor or district board of complaints. District assessors and district boards of complaints shall have and exercise, in making the inquiries and investigations provided for in this section, all powers in them vested by any provisions of law.

Section 5624-7.

Tax commission shall prescribe uniform rules.

SECTION 54. The tax commission of Ohio shall, from time to time, prescribe such general and uniform rules and regulations and issue such orders and instructions, not inconsistent with any provision of law, as it may deem necessary respecting the manner of the exercise of the powers and the discharge of the duties of any and all officers, relating to the assessment of real and personal property and the levy and collection of taxes.

Section 5624-8.

Tax commission shall prescribe and furnish all blank forms.

SECTION 55. The tax commission of Ohio shall, from time to time, prescribe for and furnish to all district assessors, district boards of complaints, county auditors and county treasurers blank forms for all oaths of office, statements, returns, reports, tax lists and duplicates, abstracts, records of proceedings, complaints, notices of appeal, tax bills and receipts, and all other documents, files and records authorized or required by any provisions of law relating to the assessment, levy and collection of taxes, or by any rules, regulations, orders or instructions of the commission, and blank forms of records and papers for all proceedings and official actions authorized or required by the provisions of any law relating to the assessment, levy and collection of taxes or by any rules, regulations, orders or instructions of the commission. District assessors, their deputies, district boards of complaints, county auditors, county treasurers

and all other officers and all persons required to list property for taxation shall use true copies of such blank forms.

Section 5624-9. SECTION 56. The tax commission of Ohio shall cause the rules and regulations prescribed by it to be observed, the orders and instructions issued by it to be obeyed and the forms prescribed and furnished by it to be observed and used. For the purpose of enforcing its rules, regulations, orders and instructions and compelling the observance and use of the forms prescribed by it the commission may institute, or cause to be instituted any proceeding, either civil or criminal, provided by law as a punishment for neglect, failure or refusal to obey any lawful requirement or order made by the commission, or as a means of preventing the violation or disobedience of such orders or compelling their enforcement. All such provisions of law shall be deemed to apply to the enforcement of the rules, regulations, orders and instructions of the tax commission of Ohio prescribed or issued under the authority of this act.

Power of tax commission to enforce orders, rules, etc.

Section 5624-10. SECTION 57. The tax commission of Ohio may require district assessors deputy assessors and members of district boards of complaints to meet and confer with other district assessors, deputy assessors, members of district boards of complaints, or with the commission on any matter relating to the assessment and valuation of property for taxation, at such times and places as may be prescribed from time to time by the commission.

Conference of assessment officers.

Section 5624-11. SECTION 58. On or before the first Monday of July annually the district assessor shall make out and transmit to the tax commission of Ohio an abstract of the real and personal property of each taxing district in the county constituting his assessment district, in which he shall set forth the aggregate amount and value of each class of real and personal property in such taxing district as it appears on his tax list, or on the statement and returns on file in his office.

Abstract to be transmitted to tax commission.

Section 5624-12. SECTION 59. The commission shall, on or before the first day of August, annually, determine whether the real and personal property, and the various classes thereof, in the several counties, cities, villages, and taxing districts in the state, have been assessed at the true value thereof in money, and if, in the opinion of the commission the real or personal property, or any class of real or personal property, in any county, city, village or taxing district in the state, as reported by the several district assessors to the commission, is not listed at its true value in money, the commission may increase or decrease the aggregate value of the real property or of the personal property, or of any class of real or personal property, in any such county, township, city, village, or taxing district, or in any ward or division of a municipal corporation, by such rate per cent. or by such amount as will place such property on the tax list at its true value in money, to the end that each and every class of real and personal property in the state shall be listed and

Determination by tax commission as to valuation of property at its true value in money.

valued for taxation by an equal and uniform rule at its true value in money.

Section 5624-13. Statement of rate or amount to be added or deducted, transmitted to assessor.

SECTION 60. When the commission has determined the true value of the real and personal property, and the several classes thereof, in the several taxing districts or subdivisions thereof in the state, it shall transmit to each district assessor a statement of the amount or rate per cent. to be added to or deducted from the valuation of such property, or class thereof, in each taxing district, or subdivision thereof, in his county, specifying the amount or rate to be added to or deducted from the valuation of the real or personal property or class of either in each of the several taxing districts or subdivisions thereof.

Section 5624-14. Additions or deductions by assessor.

SECTION 61. The district assessor shall forthwith add to or deduct from each tract, lot or parcel of real property, or class of real property, the required per cent. or amount of the valuation thereof, and shall forthwith add to or deduct from the amount of personal property assessed in each name the required per cent. or amount of the valuation of any kind or class of personal property included therein, as ascertained by reference to the statements or returns on file in his office, adding or deducting, in each case, any sum less than five dollars so that the value of any separate tract, lot or parcel of real property and the aggregate value of the personal property listed in any name shall be ten dollars or some multiple thereof.

Section 5624-15. Re-assessment.

SECTION 62. The commission may order a re-assessment of the real or personal property, or any class of either, in a taxing district when, in the opinion of the commission, such property has been unequally assessed, to the end that all classes of property in such taxing district shall be assessed in compliance with the law.

Section 5624-16. How made.

SECTION 63. When a re-assessment is ordered in any taxing district, the district assessor shall proceed to make such re-assessment in the manner provided by law for making original assessments. Provided, however, that if the commission so orders, the district assessor shall, in the case of personal property, make such re-assessment by revising and correcting the statements and returns on file in his office without taking new statements or returns from the persons required by law to list or return personal property for taxation.

Section 5624-17. Correction of errors.

SECTION 64. The district assessor from time to time shall correct any clerical errors which he discovers in the tax list, in the name of the person charged with taxes, the valuation, description or quantity of any tract, lot or parcel of land or improvements thereon, or minerals or mineral rights therein, or in the valuation of any personal property, or when property exempt from taxation has been listed therein, after the same has been delivered to the county auditor, and certify such corrections to the county auditor, who shall enter the same upon the tax list and duplicate.

Section 5624-18. SECTION 65. When the district board of complaints discovers or has its attention called to the fact, that in the current year or in any year since the year 1910 any taxable land, building, structure, improvement, minerals, mineral rights or personal property in the county, has escaped taxation or has been listed for taxation at less than its true value in money, it shall forthwith notify the district assessor of such fact. The district assessor shall make such inquiries and corrections as he is authorized and required to make by law in other cases in which real or personal property has escaped taxation, or has been improperly listed or valued for taxation.

Omissions and under-valuations.

Section 5624-19. SECTION 66. The tax commission of Ohio shall compile the laws of the state relating to the assessment of property for taxation and the levy and collection of taxes, with such annotations, instructions and references to the decisions of the courts concerning the same as it may deem proper. The commission shall cause a sufficient number of copies of the same to be printed and distributed to the several district assessors, district boards of complaints, prosecuting attorneys, county auditors, and county treasurers in the state and to such other officers and persons as may request the same. The commission shall, from time to time, designate, by order to the supervisor of public printing, the number of copies of the same required by it, and such copies shall be printed in the manner provided by law for other public documents and distributed by the commission.

Printing and distribution of annotated laws relating to assessment and collection of taxes.

Section 5624-20. SECTION 67. Any expense incurred by the tax commission of Ohio, with respect to the annual assessment of real and personal property in any taxing district, shall be paid out of the treasury of the county in which such taxing district may be located, upon presentation of the order of the tax commission of Ohio certifying the amount thereof to the county auditor, who shall thereupon issue his warrant therefor upon the general fund of the county, directed to the county treasurer, who shall pay the same. All moneys paid out of the county treasury under authority of this section and section 1465-24 of the General Code, shall be a charge against the proper taxing district, and amounts so paid by the county shall be retained by the county auditor from funds due such taxing district at the time of making the semi-annual distribution of taxes.

Expenses; how paid.

SECTION 68. Original sections 2578, 2583, 2584, 2591, 2629, 3349 to 3354, inclusive, 3363 to 3369, inclusive, 5366, 5367, 5393, 5394, 5396, 5466-2, 5542-8, 5542-9, 5542-9a, 5542-9b, 5542-9c, 5542-9d, 5542-10, 5542-11, 5543 to 5548, inclusive, 5565, 5566, 5567, 5569, 5572, 5575, 5578 to 5624-1, inclusive, of the General Code, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeals.

SECTION 69. The repeal of sections 5542-9a, 5542-9b, 5542-9c, and 5618 to 5624, inclusive, of the General Code

When to take effect.

shall not take effect until the first day of March, 1914. This act shall in all other respects take effect and be in force from and after the second Monday of October, 1913.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
314 G.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

[House Bill No. 582.]

AN ACT

To create the public utilities commission of Ohio, to prescribe its organization, its powers and its duties, and to repeal sections 487 to 499 inclusive, sections 543 to 551 inclusive, sections 614, 614-24, 614-25, 614-26, 614-69, 614-70, 614-80, 614-81 and 614-83 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 487.

The public utilities commission of Ohio; appointment, term, vacancies.

SECTION 1. There shall be and there is hereby created a public utilities commission of Ohio and by that name the commission may sue and be sued. The public utilities commission shall consist of three members, who shall be appointed by the governor with the advice and consent of the senate, and shall possess the powers and duties herein specified as well as all powers necessary and proper to carry out the purposes of this chapter. Immediately after this act shall take effect, the governor shall, with the advice and consent of the senate, appoint a member whose term shall expire on the first day of February, 1915; another whose term shall expire on the first day of February, 1917, and another whose term shall expire on the first day of February, 1919; and thereafter each member shall be appointed and confirmed for a term of six years. Vacancies shall be filled in the same manner for unexpired terms. One of such commissioners, to be designated by the governor, shall, during the term of the appointing governor, be the chairman of the commission. Not more than two of said commissioners shall belong to or be affiliated with the same political party.

Section 488.

Removal; filing record of proceedings and decision.

SECTION 2. The governor may remove any commissioner for inefficiency, neglect of duty, or malfeasance in office, giving to him a copy of the charges against him and an opportunity to be publicly heard, in person or by counsel, in his own defense, upon not less than ten days' notice. If such commissioner shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and

his findings thereon, together with a complete record of the proceedings, and his decision therein shall be final.

Section 489. SECTION 3. Before entering upon the discharge of the duties of his office each commissioner shall take and subscribe to an oath of office, which oath in writing shall be filed in the office of the secretary of state. Oath.

Section 490. SECTION 4. Each of the members of the public utilities commission shall receive from the state an annual salary of six thousand dollars ($6,000.00), payable in the same manner as other state officers are paid. Salary.

Section 491. SECTION 5. Each commissioner shall be a bona fide resident of this state and shall not, during the term of his office, hold any other office under the government of the United States, or of this state, or of any political subdivision thereof, either of trust or profit; nor shall he engage in any occupation or business inconsistent with his duties as such commissioner, but devote his entire time to the duties of his office. Qualifications.

Section 492. SECTION 6. Before entering upon the duties of his office each member shall give a bond in the sum of five thousand dollars ($5,000.00) with a sufficient surety or sureties which shall be approved by the treasurer of state; and after such approval such bond shall be filed with the secretary of state. If such bond is executed by a surety company the premiums thereon shall be paid out of the funds appropriated for the expense of the commission. Bond.

Section 493. SECTION 7. A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commission, when in session as a board, shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every finding, order or decision made by a commissioner so designated, pursuant to such investigation, inquiry or hearing, approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the finding, order or decision of the commission. Quorum; transaction of business.

Section 494. SECTION 8. The office of the commission shall be at the seat of government in the city of Columbus, in suitable quarters to be provided by the state, and shall be open between the hours of eight-thirty a. m. and five-thirty p. m. throughout the year, Sundays and legal holidays excepted. The commission shall hold its sessions at least once in each calendar month in said city of Columbus, but may also meet at such other times and at such other places as may be necessary for the proper performance of its duties. For the purpose of holding session in places other than the seat Location of office; sessions.

of government the commission shall have power to rent quarters or offices, and the expense thereof, in connection therewith, shall be paid in the same manner as other expenses authorized by this chapter.

Section 495. Equipment and supplies.

SECTION 9. The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, including telephone and telegraph service (and to purchase from the interstate commerce commission blank forms for the use of railroads and other utilities in making their annual reports) necessary for the proper administration of the affairs of said commission as provided in this chapter, and the same shall be audited and paid as other expenses are audited and paid.

Section 496. Secretary; duties.

SECTION 10. The commission shall appoint a secretary who shall hold office during the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants and notices, to keep all books, maps, documents and papers ordered filed by the commission, and of all orders made by a commissioner, or by the commission, or approved and confirmed by it and ordered filed; and he shall be responsible to the commission for the safe custody and preservation of all such documents in its office. Under the direction of the commission the secretary shall have general charge of its office, superintend its clerical business and perform such other duties, as the commission may prescribe. He may administer oaths in all parts of the state, so far as the exercise of such power is properly incidental to the performance of his duty or that of the commission. The secretary shall designate from time to time, with the approval of the commission, one of the clerks appointed by the commission to perform the duties of secretary during his absence, and during such time the clerk so designated shall, at the office, possess the powers of the secretary of the commission.

Section 497. Legal adviser; special counsel.

SECTION 11. The attorney general shall be the legal adviser of the commission, but shall designate, subject to the approval of the governor, one or more of his special counsel, to perform the services and discharge the duties of attorney to the commission. Such specially designated counsel shall receive such salary as may be fixed by the commission and approved by the governor, such salary to be paid in the same manner as that of the members of the commission.

Section 498 Employment of other officers, experts, etc.

SECTION 12. The commission shall have power to employ, during its pleasure, such other officers, and experts, engineers, statisticians, accountants, inspectors, clerks, stenographers and other employes as it may deem necessary to carry out the provisions of this chapter or to perform the duties and exercise the powers conferred by law upon the commission. All officers, experts, engineers, statisticians, accountants, inspectors, stenographers, clerks and other

employes of the commission shall receive such salaries and compensation as may be fixed by the commission, with the approval of the governor; said salaries and compensation to said officers and employes to be paid out of the state treasury upon the warrant of the auditor, upon presentation of vouchers signed by the chairman and secretary of the commission.

Section 499. SECTION 13. All expenses incurred by the commission pursuant to the provisions of this chapter, including the actual and necessary traveling and other expenses and disbursements of the commission, their officers and employes, incurred while on the business of the commission, shall be paid from funds appropriated for the use of the commission after being approved by the commission. An itemized statement of traveling expenses shall be sworn to by the person incurring same before payment is made. Expenses; how paid.

Section 499-1. SECTION 14. The commissioners, their attorney, secretary or other officers and employes of the commission shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, cars, vessels and other vehicles of every common carrier, as said term is defined in this chapter, subject, in whole or in part, to the control or regulation by the commission, between points within this state, and such persons shall not be denied the right to travel upon any railroad, car, vessel or other vehicle of such common carrier, or any part thereof, whether such railroad, car, vessel or other vehicle be used for the transportation of passengers or freight, and regardless of its class. Right of commission, employes, etc., to pass on vehicles of common carrier.

Section 499-2. SECTION 15. The commission shall have a seal, bearing the following inscription: "The Public Utilities Commission of Ohio". The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal. Seal.

Section 499-3. SECTION 16. No person in the employ of or holding any official relation to any person, corporation or utility, which said person, corporation or utility is subject, in whole or in part, to regulation by the commission, and no person holding stocks or bonds of any such corporation or utility or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of commissioner or be appointed or employed by the commission; provided, that if any such person shall become the owner of such stocks or bonds, or become pecuniarily interested in such corporation or utility otherwise than voluntarily he shall, within a reasonable time, divest himself of such ownership or interest; failing to do so, his office or employment shall become vacant. Who eligible to the office of commissioner.

Section 499-4. SECTION 17. Each commissioner, attorney to the commission, the secretary to the commission and every person employed or appointed to office, either by the commission or by the attorney to the commission, is hereby forbidden Commissioner, attorney, employe, etc., prohibited from accepting gifts, etc.

and prohibited from accepting any gift, gratuity, emolument or employment from any public utility or railroad or any officer, agent or employe thereof, or to solicit, suggest, request or recommend, directly or indirectly, to any person, corporation or utility subject to the supervision of the commission, or to any officer, attorney, agent or employe thereof, the appointment of any person to any office, place, position or employment. Any commissioner, attorney to the commission, the secretary thereof, or any person employed or appointed to office by the commission violating any provision of this section, shall be removed from the office held by him.

Section 499-5.

Annual report to governor.

SECTION 18. All proceedings of the commission and all documents and records in its possession shall be public records. The commission shall make and submit to the governor, on or before the fifteenth day of December of each year a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year together with such other facts, suggestions and recommendations as it may deem of value to the people of the state; which report shall be published as the reports of the heads of other departments of the state, for the use of the general assembly and the public.

Section 499-6.

Publication of rules governing proceedings.

SECTION 19. The commission may adopt and publish rules to govern its proceedings, and to regulate the mode and manner of investigations and hearings of railroads and other parties before it. All hearings shall be open to the public.

Section 499-7.

The public service commission of Ohio superseded.

SECTION 20. The public utilities commission shall succeed to and be possessed of the rights, authority and powers now exercised by the public service commission of Ohio and perform all the duties now imposed upon the public service commission of Ohio, and said powers and authority shall be exercised and enforced and said duties performed in the manner now provided by law for the said public service commission. Said public service commission of Ohio shall on and after the time when this act shall take effect have no further legal existence, and the public utilities commission is hereby authorized and directed to assume and continue as successor of said public service commission of Ohio. Wherever in the General Code the terms railroad commission or public service commission occur, the term public utilities commission shall be substituted therefor.

Section 499-8.

Valuation of property to determine justice of rates.

SECTION 21. The commission, for the purpose of ascertaining the reasonableness and justice of rates and charges for the service rendered by public utilities or railroads of this state, or for any other purpose authorized by law, shall investigate and ascertain the value of the property of every public utility or railroad in the state, used and useful for the service and convenience of the public. At the request of the council of any municipality the commission shall also investigate and ascertain the value of the property of any public utility used and useful for service and

convenience of the public where the whole or major portion of such utility is situated in such municipality. Every public utility or railroad shall furnish to the commission, its engineers, experts or other assistants from time to time and as the commission may require maps, profiles, contracts, reports of engineers and other documents, records and papers or copies of any or all of the same, in aid of any investigation and ascertainment of the value of its property, and shall grant to the commission or its agents free access to all of its premises and property and its accounts, records and memoranda whenever and wherever requested by any such duly authorized agent, and every public utility or railroad is hereby directed and required to co-operate with and aid the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may require and direct. The commission shall have such power to make all rules and regulations, as to it may seem necessary, to ascertain the value of each and every utility or railroad in the state.

Assistance by public utility required.

Section 499-9.

SECTION 22. The commission shall prescribe the details of the inventory of the property of each public utility or railroad in the state; and such inventory shall include all the kinds and classes of property, with the value of each, owned by each public utility or railroad, used and useful for the service and convenience of the public. In ascertaining the value of the various kinds and classes of property of each public utility or railroad, the commission shall have authority to ascertain and report in such detail as it may deem necessary as to each piece of property owned or used by such public utility or railroad to show separately the following facts:

Facts; commission has authority to ascertain and report in the valuation of property.

A. The original cost, if any, of each parcel of land owned and used by such public utility or railroad, and a statement of the conditions of acquisition; whether by direct purchase, by donation, by exercise of the power of eminent domain or otherwise.

B. The value as of a date certain, of each parcel of land owned and used by such public utility or railroad, by comparison with the value of contiguous and neighboring parcels of land, and land of similar character as to location and use.

C. If there shall be any additional value to such utility or railroad by reason of the ownership by it of one or more parcels of land and its use as a continuous right of way for transportation purposes, or for other purpose, such additional value shall be separately and specifically set forth for each parcel.

D. The cost of new production as of a date certain, of all physical property other than land, owned and used by such public utility or railroad, showing the values of the separate items comprising such property, together with the unit basis of such valuation.

E. Depreciation, if any, from the new reproductive cost as of a date certain, for existing mechanical deterioration, for age, for obsolescence, for lack of utility or for any other cause, the percentage and amount of each class of depreciation, if any, to be specifically set forth in detail.

F. The net value as of a date certain, of all physical property other than land owned by such utility or railroad, to be derived by deducting the sum of the amounts of depreciation from the sum of the new reproductive costs.

G. If there shall be any additional value given to the value of the property of a public utility or railroad due to the possession of a franchise to perform a public service, or for good will or for financing, such additional value shall be separately and specifically set forth, together with the basis for the computation or estimate of such additional value.

H. A duplicate copy of the record of every physical valuation of a public utility or railroad shall be furnished to the Ohio tax commission, on request, for its use in ascertaining the value of the property of such utility or railroad for purposes of taxation, and upon demand any person or corporation owning or operating a public utility or railroad shall be furnished with a copy of the valuation of his or its property.

Such investigations and report shall show separately the property used and useful to such utility or railroad in the furnishing of the service to the public, and the property held by such utility or railroad for other purposes, and such other items concerning values and methods of making valuations as the commission may deem proper; which said inventories and reports shall be filed in the office of the commission for the information of the governor and the general assembly.

Section 499-10

What additional facts report may show.

SECTION 23. Such investigation and report shall also show whenever the commission may deem necessary, the amounts and dates and rates of interest of all bonds, outstanding against each public utility or railroad, the property upon which they are a lien, the amounts paid therefor; and, in such detail as may be necessary, the original capital stock and the moneys received by any such utility or railroad by reason of any issue of stock, bonds or other securities. Such report shall also show the net and gross receipts of such utility or railroad and the method by which moneys were expended or paid out and the purpose of such payments. The commission shall have the power to prescribe the method of procedure to be followed in making the investigation and valuation and the form in which the results of the ascertainment of the value of each utility or railroad shall be submitted, and the classifications of the elements that constitute the ascertained value. Such investigation shall also show the value of the property of every public utility or railroad as a whole; and, in case such utility or railroad has property in more than one county, the value of its property in each of such counties.

Section 499-11

Revision and correction of valuations.

SECTION 24. The commission, during the making of the valuation herein provided for, and after the completion thereof, shall thereafter in like manner keep itself informed through its engineers, experts and other assistants of all extensions and improvements or other changes in the condition and value of the property of all public utilities or railroads and shall ascertain the value of such extensions, improvements and changes and shall from time to time, as may be required for the proper regulation of such public utilities or railroads, revise and correct its valuations of property, showing such revisions and corrections as a whole and as to each county in the state. Such revisions and corrections shall be filed in the same manner as is provided for original reports.

Section 499-12

Notice to public utility before valuation becomes final; protest, hearing.

SECTION 25. The commission, whenever it shall have completed the valuation of the property of any public utility or railroad and before such valuation shall have become final, shall give notice by registered letter to such public utility or railroad, or if the whole or the major portion of said utility or railroad is situated in any municipality, then to the mayor of such municipality, stating the valuations placed upon the several kinds and classes of property of such public utility or railroad and upon the property as a whole. If within thirty days after such notification no protest shall have been filed with the commission then said valuation shall be and become final. If notice of protest shall have been filed, however, by any public utility or railroad, the commission shall fix a time for hearing the same and shall consider at such hearing any matter material thereto presented by such public utility or railroad or municipality, in support of its protest or by any representative of the public against such protest. If after the hearing of any protest of any valuation so fixed, the commission shall be of the opinion that its inventory is incomplete or inaccurate or that its valuation is incorrect it shall make such changes as may be necessary and shall issue an order making such corrected valuations final. A final valuation by the commission and all classifications made for the ascertainment of such valuations shall be public and shall be prima facie evidence relative to the value of the property.

Section 499-13

Ohio state university engineers and experts may be employed.

SECTION 26. In the employment of engineers, experts or other assistants the commission may make use of such engineers and experts as may be employed in the Ohio state university in such manner as may be provided by mutual arrangement between the commission and the trustees and faculty of such university, and any information, data and equipment of such university shall be placed at the disposal of the commission. Whenever the authority is conferred or the obligation imposed by law upon the commission to ascertain the value of any public utility or railroad, such valuation under such authority or obligation shall be made in accordance with the provisions of this act.

Section 499-14

System of accounts may be established for public utilities.

SECTION 27. The commission shall have power to establish a system of accounts to be kept by the public utilities or railroads (including municipally owned or operated utilities), or to classify said public utilities or railroads and to establish a system of accounts for each class, and to prescribe the manner in which such accounts shall be kept; and such system shall when practicable conform to the system prescribed by the tax commission of Ohio. It may also in its discretion prescribe the forms of accounts, records and memoranda to be kept by such public utilities or railroads, including the accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys, and any other forms, records and memoranda which in the judgment of the commission may be necessary to carry out any of the provisions of this chapter. The system of accounts established by the commission and the forms of accounts, records and memoranda prescribed by it shall not be inconsistent, in the case of corporations subject to the provisions of the act of congress entitled "An act to regulate commerce" approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, with the systems and forms from time to time established for such corporations by the interstate commerce commission, but nothing herein contained shall affect the power of the commission to prescribe forms of accounts, records and memoranda covering information in addition to that required by the interstate commerce commission. The commission may, after hearing had upon its own motion or upon complaint, prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited. Where the commission has prescribed the forms of accounts, records or memoranda to be kept by any public utility or railroad for any of its business, it shall thereafter be unlawful for such public utility or railroad to keep any accounts, records or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state or of the United States, excepting such accounts, records or memoranda as shall be explanatory of and supplemental to the accounts, records or memoranda prescribed by the commission. The commission shall at all times have access to all accounts kept by such utilities or railroads and may designate any of its officers or employes to inspect and examine any and all such accounts. It shall be the duty of the auditor or other chief accounting officer of any such utility to keep such accounts and make the reports provided for in section 614-48 of the General Code. Whoever being such auditor, or chief accounting officer violates or fails to comply with the provisions of this section shall upon conviction thereof be subject to the penalties provided for in section 614-65 of the General Code. It shall be the duty of the attorney general to enforce the provisions of this section upon request of the commission, by mandamus or other appropriate proceedings.

Section 499-15. Hearing to ascertain value of property; notice.

SECTION 28. For the purpose of ascertaining the value of the property of every public utility or railroad in this state, including municipally owned or operated utilities, the commission may cause a hearing or hearings to be held at such time or times and place or places as the commission may designate. Before any hearing is had, the commission shall give the public utility or railroad affected thereby, or if the whole or the major portion of said utility or railroad is situated in any municipality, then to the mayor of such municipality, at least thirty days' written notice specifying the time and place of hearing, and such notice shall be sufficient to authorize the commission to inquire into the matters designated in this section, but this provision shall not prevent the commission from making any preliminary examination or investigation into the matters herein referred to, or from inquiring into such matters in any other investigation or hearing. All public utilities or railroads affected, and any municipality in which the whole or the major portion of said utility or railroad is located, shall be entitled to be heard and to introduce evidence at such hearing or hearings. The commission is empowered to resort to any other source of information available. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the commission.

Section 499-16. Filing finding of facts; review.

SECTION 29. The commission shall make and file its findings of fact in writing upon all matters concerning which evidence shall have been introduced before it which in its judgment have bearing on the value of the property of the public utility or railroad affected. Such findings shall be subject to review by the supreme court of this state in the same manner and within the same time as other orders and decisions of the commission.

Section 499-17. Admissibility in evidence of finding.

SECTION 30. The findings of the commission so made and filed, when properly certified under the seal of the commission, shall be admissible in evidence in any action, proceeding or hearing before the commission or any court, in which the commission, the state or any officer, department or institution thereof, or any county, city, municipality or other body politic and the public utility railroad affected may be interested, whether arising under the provisions of this chapter or otherwise, and such findings, when so introduced, shall be evidence of the facts therein stated as of the date therein stated under conditions then existing.

Section 499-18. Further hearings.

SECTION 31. The commission may from time to time cause further hearings and investigations to be had for the purpose of making revaluations or ascertaining the value of any betterments, improvements, additions or extensions made by any public utility or railroad subsequent to any prior hearing or investigation, and may examine into all matters which may change, modify or affect any finding of fact previously made, and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and be conducted in the same manner and the findings so made shall have the

same force and effect as is provided herein for such original notice, hearing and findings; provided, that such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of the original findings except in so far as such supplemental findings shall change or modify the findings made at the original hearing or investigation.

Section 543.

SECTION 32. After any order or decision has been made by the commission, any party to the action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, may apply for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing, and the commission may grant and hold such rehearing on said matters, if in its judgment sufficient reason therefor be made to appear. No cause of action arising out of any order or decision of the commission shall accrue in any court to any corporation or person unless such corporation or person shall have made, before the effective date of said order or decision, application to the commission for a rehearing. Such application shall set forth specifically the ground or grounds on which the applicant considers said decision or order to be unreasonable or unlawful. No corporation or person shall in any court urge or rely on any ground not so set forth in said application. Any application for a rehearing made ten days or more before the effective date of the order as to which a rehearing is sought, shall be either granted or denied before such effective date, or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application.

Rehearing; who may have.

If an application for a rehearing be granted without suspension of the order involved, the commission shall forthwith proceed to hear the matter with all dispatch and shall determine the same within twenty days after final submission and if such determination is not made within said time, it may be taken by any party to the rehearing that the order involved is affirmed. An application for rehearing shall not excuse any corporation or person from complying with and obeying any order or decision, or any requirement of any order or decision of the commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may by order direct. If, after such rehearing and a consideration of all the facts, including those arising since the making of the order or decision, the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or un-

Time of hearing, when granted without suspension of order.

warranted, or should be changed, the commission may abrogate, change or modify the same. An order or decision made after such rehearing, abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission.

Section 544. Order may be reversed.

SECTION 33. A final order made by the commission shall be reversed, vacated or modified by the supreme court, on a petition in error, if upon consideration of the record such court is of the opinion that such order was unlawful and unreasonable.

Section 545. Proceedings in error.

SECTION 34. The proceeding to obtain such reversal, vacation or modification shall be by petition in error, filed in the supreme court, by any party to the proceeding before the commission, against the public utilities commission of Ohio, setting forth the errors complained of. Thereupon unless the same is duly waived a summons shall issue and be served, as in other cases, upon the chairman of the commission, or, in the event of his absence, upon any member of the commission, or by leaving a copy at the office of the commission at the city of Columbus. The court may permit any interested party to intervene by cross-petition in error.

Section 546. Transcript.

SECTION 35. Upon service or waiver of the summons in error the commission shall forthwith transmit to the clerk of the supreme court a transcript of the journal entries, original papers or transcripts thereof and a certified transcript of all evidence adduced upon the hearing before the commission in the proceeding complained of, which shall be filed in said court.

Section 547. When proceeding commenced.

SECTION 36. No proceeding to reverse, vacate or modify a final order of the commission shall be deemed commenced unless the petition therefor is filed within sixty days after the entry of the final order complained of upon the journal of the commission.

Section 548. Stay of execution.

SECTION 37. No proceeding to reverse, vacate or modify a final order rendered by the commission shall operate to stay execution thereof unless the supreme court or a judge thereof in vacation, on application and three days' notice to the commission, shall allow such stay, in which event the plaintiff in error shall be required to execute an undertaking, payable to the state of Ohio, in such a sum as the court may prescribe, with surety to the satisfaction of the clerk of the supreme court, conditioned for the prompt payment by the plaintiff in error of all damages arising from or caused by the delay in the enforcement of the order complained of, and for the repayment of all moneys paid by any person, firm or corporation for transportation, transmission, produce, commodity or service in excess of the charges fixed by the order complained of, in the event such order be sustained.

Section 549. Jurisdiction.

SECTION 38. No court other than the supreme court shall have power to review, suspend or delay any order made by the commission, or enjoin, restrain or interfere with the commission or any member thereof in the performance of official duties. Nor shall the writ of mandamus be issued against the commission or any member thereof by any court other than the supreme court.

Section 550. Order as to payment of money in case of stay, etc.

SECTION 39. The supreme court, in case it stays or suspends the order or decision of the commission in any matter affecting rates, joint rates, fares, tolls, rentals, charges or classifications, may also by order direct the public utility or railroad affected to pay into the hands of a trustee to be appointed by the court, from time to time, to be held until the final determination of the proceeding, under such conditions as the court may prescribe, all sums of money collected in excess of the sums payable if the order or decision of the commission had not been stayed or suspended.

Section 551. Order to keep excess accounts pending review.

SECTION 40. In case the supreme court stays or suspends any order or decision lowering any rate, joint rate, fare, toll, rental, charge or classification, the commission, upon the execution and approval of said suspending bond may require the public utility or railroad affected, under penalty of the immediate enforcement of the order or decision of the commission, pending review, to keep such accounts, verified by oath, as may, in the judgment of the commission, be sufficient to show the amounts being charged or received by such public utility or railroad, in excess of the charges allowed by the order or decision of the commission, together with the names and addresses of the corporations or persons to whom overcharges will be refundable in case the charges made by the public utility or railroad, pending review, be not sustained by the supreme court.

Section 551-1. Disposition of moneys charged in excess.

SECTION 41. Upon the final decision by the supreme court, all moneys which the public utility or railroad may have collected, pending the appeal, in excess of those authorized by such final decision, shall be promptly paid to the corporations or persons entitled thereto, in such manner and through such methods of distribution as may be prescribed by the court. If any such money shall not have been claimed by the corporations or persons entitled thereto within one year from the final decision of the supreme court, the trustees appointed by the court shall cause notice to such corporations or persons to be given by publication, once a week for two consecutive weeks, in a newspaper of general circulation, printed and published in the city of Columbus, Franklin county, Ohio, and such other newspaper or newspapers as may be designated by such trustee, said notice to state the names of the corporations or persons entitled to such moneys and the amount due each corporation or person. All moneys not claimed within three months after the publication of said notice shall be paid by the public utility or railroad, under the direction of such trustee, into the state treasury for the benefit of the general

fund, and the court may make such order with respect to the compensation of the trustee as it may deem proper.

Section 551-2. SECTION 42. This act shall not affect pending actions or proceedings brought by or against the state of Ohio, the railroad commission of Ohio, the public service commission of Ohio, or by any other person or corporation, but the same may be prosecuted and defended with the same effect as though this act had not been passed or said commission abolished. Any investigation, hearing or examination undertaken, commenced, instituted or prosecuted prior to the taking effect of this act may be conducted and continued to a final determination in the same manner and with the same effect as if it had been undertaken, commenced, instituted or prosecuted in accordance with the provisions of this act. All proceedings hitherto taken by the commissions above named in any such investigation, hearing or examination and hereby ratified, approved, validated and confirmed, and all such proceedings shall have the same force and effect as if they had been undertaken, commenced, instituted and prosecuted under the provisions of this act and in the manner herein prescribed.

Act shall not affect pending actions.

Section 551-3. SECTION 43. No cause of action arising under the laws of Ohio shall abate by reason of the passage of this act, whether a suit or action has been instituted thereon at the time of the taking effect of this act or not, but actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as though said laws in force at the time this act takes effect had not been repealed.

Abatement.

Section 551-4. SECTION 44. All orders, decisions, rules or regulations heretofore made, issued or promulgated by the commission above named shall continue in force and have the same effect as though they had been lawfully made, issued or promulgated under the provisions of this act.

Orders, decisions, etc., remain in force.

Section 551-5. SECTION 45. Each section of this act and every part thereof is hereby declared to be an independent section, and part of a section, and the holding of a section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

Each section independent.

Section 551-6. SECTION 46. All actions and proceedings in the supreme court, under this chapter, and all actions or proceedings to which the commission or the state of Ohio may be parties, and in which any question arises under this chapter, or under or concerning any order or decision of the commission, to reverse, vacate or modify an order of the commission, shall be taken up and disposed of by the court out of its order on the docket.

Order of disposition of cases under chapter.

SECTION 47. That original sections 487 to 499 inclusive, sections 543 to 551 inclusive, sections 614, 614-24, 614-25,

Repeals.

614-26, 614-69, 614-70, 614-80, 614-81 and 614-83 of the General Code be and the same are hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 5th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
315 G.

[House Bill No. 663.]

AN ACT

To provide for refunder of portions of the tax on the traffic of intoxicating liquors in certain cases of enforced discontinuance of said traffic.

Be it enacted by the General Assembly of the State of Ohio:

Section 6071-1.

Provision for refunder of portion of tax on traffic in intoxicating liquors.

SECTION 1. When a person, association, partnership or corporation engaged in the traffic of intoxicating liquors is required by the order of the military or other authority of the United States or of the state, county, municipality or township or by or through fire, flood, earthquake or other public calamity to discontinue business temporarily, said person, association, partnership or corporation shall be entitled to a refunder of a proportionate amount of the tax so paid under section 6071 and following of the General Code, based upon the number of days or fraction thereof, of enforced discontinuance. A person, association, partnership or corporation so affected upon written application to the common pleas court of the county shall be entitled to an immediate hearing by said court. The clerk of said court shall notify the county auditor and county prosecutor of the application and the time set for hearing, and the said officer shall represent the county at said hearing. The court shall thereupon make a finding as to the fact and the number of days of said enforced discontinuance and shall make an order for a refunder accordingly which order shall not be subject to review. If the discontinuance is upon the order of any state or federal authority for whatever reason said order is made then the auditor of state shall draw a warrant upon the treasurer of state in favor of any such person, association, partnership or corporation for the amount of such refunder found by the court, to be paid out of any sum appropriated by the general assembly therefor; and if the discontinuance is upon the order of any county, municipality or township authority or is the result of fire, flood, earthquake or other public calamity, then the auditor of the county shall draw a warrant upon the treas-

urer of the county in favor of any such person, association, partnership or corporation for the amount of such refunder found by the court, to be paid out of any surplus or unexpended funds in the hands of said treasurer.

The act shall apply to any such discontinuance of business in the assessment year beginning the fourth Monday of May, 1912, and thereafter.

SECTION 2. An emergency is hereby declared to exist, by reason of the disastrous floods that have rendered the transaction of business in certain places impossible or unwise and for the preservation of the public welfare it is necessary that this act be in immediate effect and therefore it shall take effect from and after its passage and approval.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 483.]

AN ACT

For the prevention of occupational diseases with special reference to lead poisoning.

Be it enacted by the General Assembly of the State of Ohio:

Section 6330-1. SECTION 1. General duties of employers. Every employer shall, without cost to the employes, provide reasonably effective devices, means and methods to prevent the contraction by his employes of illness or disease incident to the work or process in which such employes are engaged. Duties in prevention of occupational diseases.

Section 6330-2. SECTION 2. Especially dangerous works or processes. Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate or fluo-silicate, is hereby declared to be especially dangerous to the health of the employes, who, while engaged in such work or process, are exposed to lead dusts, lead fumes or lead solutions. What works or processes considered dangerous.

Section 6330-3 SECTION 3. Duties of employers to provide safety appliances for the protection of employes in especially dangerous works or processes. Every employer shall, without cost to the employes, provide the following devices, means and methods for the protection of his employes who while engaged in any work or process included in section 2, are exposed to lead dusts, lead fumes or lead solutions: What devices and means shall be provided for protection.

(a) Working rooms, hoods and air exhausts for the protection of employes engaged in any work or process Working rooms.

which produces lead dusts or lead fumes. The employer shall provide and maintain work rooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully ventilated and separated by partition walls from all departments in which the work or process is of a non-dusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

Every work or process referred to in section 2, including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds referred to in section 2, shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employe, as far as possible, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle or furnace in which lead in any form referred to in section 2 is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead in any chemical form or combination referred to in section 2, is being conveyed from one place to another within the factory shall be equipped, at the places where the same are filled or discharged, with hoods having connection with an efficient air-exhaust; and all hoppers, chutes, conveyors, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry-pans or other apparatus for drying pulp lead, dry-pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust-collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust-collector to be placed in a separate room which no employe shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

Washing facilities.

(b) Washing facilities. The employer shall provide a wash room or rooms which shall be separate from the work rooms, be kept clean, and be equipped with: (1) lavatory basins fitted with waste pipes and two spigots conveying hot and cold water, or

(2) Basins placed in roughs fitted with waste pipes and for each basin two spigots conveying hot and cold water, or

Basins.

(3) Troughs of enamel or similar smooth impervious material fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one

basin for every five employes, and where troughs are provided, at least two feet of trough for every five such employes. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each such employe. A time allowed of not less than ten minutes, at the employer's expense, shall be made to each such employe for the use of said wash room before the lunch hour and at the close of the day's work.

Shower bath.

The employer shall also provide at least one shower bath for every five such employes. The baths shall be approached by wooden runways, be provided with movable wooden gratings, be supplied with controlled hot and cold water, and be kept clean. The employer shall furnish soap, and shall provide at least two clean bath towels per week for each such employe. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employe for the use of said baths at least twice a week at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employe, which record shall be open to inspection at all reasonable times by the (state department of factory inspection) and also by the (state board of health).

Dressing rooms.

(c) Dressing Rooms. The employer shall provide a dressing room or rooms which shall be separate from the work rooms, be furnished with a double sanitary locker or two single sanitary lockers for each such employe and be kept clean.

Eating rooms.

(d) Eating Rooms. The employer shall provide an eating room or eating rooms which shall be separate from the work rooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employe shall take or be allowed to take any food or drink of any kind into any work room, nor shall any employe remain or be allowed to remain in any work room during the time allowed for his meals.

Drinking fountains.

(e) Drinking Fountains. The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of the employes.

Clothing.

(f) Clothing. The employer shall provide at least two pairs of overalls and two jumpers for each employe, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employe.

Respirators.

(g) Respirators. The employer shall provide, and renew when necessary, at least two reasonably effective respirators for each employe who is engaged in any work or process which produces lead dusts.

Section 6330-4.

Duties of employes as to use of appliances provided.

SECTION 4. Duties of employes in especially dangerous works or processes to use the safety appliances provided by the employers. Every employe who, while engaged in any work or process included in section 2, is exposed to lead dusts, lead fumes or lead solutions, shall:

(a) Use the washing facilities provided by the em-

ployer in accord with section 3 (b) and wash himself at least as often as a time allowance is therein granted for such use.

(b) Use the eating room provided by the employer in accord with section 3 (d), unless the employe goes off the premises for his meals.

(c) Put on, and wear at all times while engaged in accord with section 3 (f) and remove the same before leaving at the close of the day's work; and keep his street clothes and his working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accord with section 3 (c).

(d) Keep clean the respirators provided by the employer in accord with section 3 (g), and use one at all time while he is engaged in any work or process which produces lead dusts.

Section 6330-5.

Notices, printing, posting and explaining same.

SECTION 5. Notices. The employer shall post in a conspicuous place in every work room where any work or process included in section 2 is carried on, room where washing facilities are provided, dressing rooms and eating room. A notice of the known dangers arising from such work or process, and simple instructions for avoiding, as far as possible, such dangers. The (chief state factory inspector) shall prepare a notice containing the provision of this act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in section 2, and the employer shall post copies thereof in the manner hereinabove stated. The notices required in this section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employe by the employer when the said employe enters employment in such work or process, and in addition shall be read to all employes at least once a month, interpreters being provided by the employer when necessary to carry out the above requirements.

Section 6330-6.

Medical examination of employes.

SECTION 6. Medical Examination. The employer shall cause every employe who, while engaged in any work or process included in section 2, is exposed to lead dusts, lead fumes or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employe. The employe shall submit himself to the monthly examination and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employe so examined.

Section 6330-7. SECTION 7. Record and Reports of Medical Examination. Every physician making any examination under section 6 and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination containing the names and address of the employe so examined, the particular work or process in which he is engaged, the date, place and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the (state department of factory inspection) and by the (state board of health). Record and reports of medical examination.

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the (state department of factory inspection) and one to the (state board of health). The report shall be open or in conformity with blanks to be prepared and furnished by the (state board of health), free of cost, to every employer included in section 2, and shall state: What reports shall state.

(a) Name, occupation and address of employe.

(b) Name, business and address of employer.

(c) Nature and probable extent disease.

(d) Such other information as may be reasonably required by the (state board of health).

The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such report the employer shall not continue the said employe in any work or process where he will be exposed to lead dusts, lead fumes or lead solutions, nor return the said employe to such work or process without a written permit from a licensed physician.

Section 6330-8. SECTION 8. Enforcement. The (state department of factory inspection) shall enforce this act and prosecute all violations of the same. The officers, or their agents, of the said (department) shall be allowed at all reasonable times to inspect any place of employment included in this act. Enforcement.

Section 6330-9. SECTION 9. Penalties. Every employer, who either personally or through any agent violates or fails to comply with any provision of section 1 or section 3 shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and on conviction for the second offense, not less than two hundred dollars nor more than five hundred dollars, and on conviction for each subsequent offense, not less than three hundred dollars nor more than one thousand dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law. Penalties for violations by employer or employe.

Every employe who violates or fails to comply with any provision of section 4, shall be guilty of a misdemeanor,

and on conviction for the first offense shall be fined not less than ten dollars nor more than twenty-five dollars, and on conviction for the second offense, not less than twenty dollars nor more than fifty dollars, and on conviction for each subsequent offense not less than thirty dollars nor more than one hundred dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employer who, either personally or through any agent, violates or fails to comply with any provision of sections 5, 6, or 7, relating to him, and every employe who violates or fails to comply with the provision of section 6 relating to him shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

Section 6330-10. "Employer" defined.

SECTION 10. Definition. In this act, unless the context otherwise requires, "employer" includes persons, partnerships and corporations.

Section 6330-11. Each section independent.

SECTION 11. Constitutionality. For the purpose of determining the constitutionality of any provision of this act, section 1, hereof is declared to be independent of and separable from the remaining sections.

Section 6330-12. Time of taking effect.

SECTION 12. Time of taking effect. This act shall take effect on the first day of October, 1913, except as to subdivisions (a), (b), (c) and (d) of section 3 which subdivisions shall take effect as follows:

Subdivision (b), (c) and (d) of section 3 on the first day of October, 1914.

Subdivision (a) of section 3 on the first day of October, 1915.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
317 G.

[House Bill No. 435.]

AN ACT

To regulate the sale of agricultural seeds, to prevent the adulteration thereof, and to provide a standard of purity.

Be it enacted by the General Assembly of the State of Ohio:

Section 5805-1. Statement on package of seeds.

SECTION 1. That every parcel, package or lot of agricultural seeds as defined in this act, and containing ten or more pounds, which shall be offered or exposed for sale and

use within this state, shall have printed thereon, in clear type in the English language, a statement certifying:

(1). The name of such seed.

(2). The full name and address of the seedman, importer, dealer or agent.

(3). A statement of the purity of the seeds contained therein, specifying the kind of, and percentage of all the impurities in any seeds which are below the standard provided for in this act.

Section 5805-2. SECTION 2. For the purpose of this act, agricultural seeds shall be defined as the seeds of alfalfa, barley, Canadian blue-grass, Kentucky blue-grass, brome (awnless) grass, buckwheat, alsike clover, crimson clover, red clover, white clover, field corn, Kaffir corn, meadow fescue, flax, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy and wheat which are to be used in this state for seeding purposes. Agricultural seeds defined.

Section 5805-3. SECTION 3. The seeds of quack grass (Agropyron repens) Canada thistle (Onicus arvensis), clover and alfalfa dodder (Cuscuta apythymum), and field dodder (Cuscuta arvensis) oxeye daisy, are hereby defined as noxious weed seeds. No person shall sell, offer, or expose for sale to be used within this state for seeding purposes, any agricultural seeds as provided for in section 1 of this act, which shall contain a greater amount or proportion than one of any or all of such noxious weed seeds to five thousand seeds of any of the varieties of agricultural seed offered or exposed for sale. Noxious weed seeds defined. Penalty.

Section 5805-4. SECTION 4. That sand, dirt, chaff, foreign substances, seeds other than those specified in section 3 of this act, broken seed, and all seed not capable of germinating, shall be considered as impurities when present in agricultural seeds to be sold, offered or exposed for sale to be used in this state, for seeding purposes, and when such impurities are present in any quantity exceeding the standards of purity provided for in section 7 of this act, then the name and the approximate percentage of each such impurities shall be plainly indicated in such statement as provided for in section 1 of this act. Impurities; what considered.

Section 5805-5. SECTION 5. For the purpose of this act, seed shall be deemed mixed. When seed shall be deemed mixed.

(First). When orchard grass (dactyis glomerata) seed shall contain ten per cent. or more by weight of meadow fescue (fescua elatior patensis) seed or Italian rye grass (Lolium Italicum) seed, or English rye grass (Lolium perenne) seed.

(Second). When the blue grass or Kentucky blue grass (proa pratensis) seed shall contain five per cent. or more by weight of Canada blue grass (poa compressa) seed, red top chaff, red top, agrostis alba, seed, or any other kind of seed or foreign substance.

(Third). When red clover (trifolium pratense) mammoth red clover (trifolium pratense var) or alfalfa (Medicago sativa.) shall contain five per cent. or more by weight, of yellow trefoil (medicago lupulina) or sweet clover (melitotus albo and M. officinalis) seed, or bur clover, (Medicago denticulata) seed.

(Fourth). When rape (brassica rape) which shall contain five per cent. or more of common mustard (brassica senapistrum) or black mustard (B. nigra) seed, shall be deemed adulterated.

Section 5805-6. To what act does not apply.

SECTION 6. The provisions of this act shall not apply to:

(First). Any person selling agricultural seeds direct to seed merchants or shipping to a general market to be cleaned or graded before being offered or exposed for sale for seeding purposes.

(Second). Agricultural seed which shall be held in storage for the purpose of being cleaned.

(Third). Agricultural seed marked "not clean" and held or sold for shipment outside the state.

(Fourth). The sale of seed that is grown, sold and delivered by any farmer on his own premises to be used for seeding purposes by the purchaser himself, unless the purchaser of such seed obtains at the time of such sale from the seller, a certificate as provided for in section 1 of this act.

(Fifth). Mixtures of agricultural seeds which shall be prepared for special purposes and which may be so labeled, shall not exempt the vendor of such mixtures from the provisions of sections 3 of this act.

Section 5805-7. Standard of purity.

SECTION 7. The following standard of purity (meaning freedom from weed, or other seeds) is hereby provided for:

Name of Seeds and Cereals.	Per cent. of Purity.
Alfalfa	97
Asparagus	98
Barley	96
Blue grass, Canadian	90
Blue grass, Kentucky	90
Brome awnless	90
Buckwheat	98
Clover, alsike	95
Clover, crimson	98
Clover, red	98
Clover, white	90
Corn, sweet	99
Fescue, meadow	95
Millets	97
Oats	97

Name of Seeds and Cereals.	Per cent. of Purity.
Orchard grass	65
Rape	99
Red Top	92
Rye grass	95
Rye	99
Sorghum	98
Timothy	98
Wheat	97

Section 5805-8. SECTION 8. Whoever sells agricultural seeds as defined in section 1 of this act for seeding purposes in this state, may submit a fair sample of such seeds to the state board of agriculture for examination, test of purity or vitality and the state board of agriculture shall cause such examinations and tests to be promptly made and a report thereon forwarded to such person who may forward such sample. Submission of samples for test.

Section 5805-9. SECTION 9. The state board of agriculture or its deputized representatives shall enforce the provisions of this act. Prosecutions may be by a justice of the peace, police judge, or mayor, who shall have final jurisdiction as provided for in cases of violating any law relating to the adulteration of food, or dairy products. Enforcement of laws; jurisdiction.

Section 5805-10. SECTION 10. That whoever sells, offers or exposes for sale any seed as specified in section 1 of this act, which are mixed, adulterated or misbranded, or any agricultural seeds which do not comply with the standards fixed by this act; or who shall substitute or use a counterfeit tag or who shall prevent or attempt to prevent any inspector from collecting samples, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction for the first offense, shall be fined not more than twenty-five dollars, nor more than two hundred dollars for the second offense, and all costs of the prosecution; provided, however, that no person shall be convicted for violating any of the provisions of section 2 of this act who shall be able to show that the weed seed named in section 3 are present in quantities of not more than one in five thousand. Penalty for violations.

Section 5805-11. SECTION 11. That for the purpose of defraying the expenses connected with the inspection and analysis of agricultural seeds, each and every such importer, dealer or agent shall before selling, offering, or exposing for sale within this state, any of the agricultural seeds specified in sections 1 and 7 of this act, pay to the treasurer of state an inspection fee of two cents per bushel for all seeds or cereals as defined in sections 1 and 7 of this act, which seed shall be used for seeding purposes within this state. The state board of agriculture shall prescribe the form of such stamps, and adopt such regulations as may be necessary for the enforcement of this act. Inspection fee.

Section 5805-12. SECTION 12. That any person who shall re-clean cereals or seeds and who shall have received a compensation therefor, shall destroy or grind in the presence of a witness all Destruction of screenings.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

screenings which shall contain any of such noxious weed seeds.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
318G.

[House Bill No. 630.]

AN ACT

Authorizing the construction, maintenance, repair, and operation of joint sewer improvements, and joint sewage treatment works for the benefit of any rural land not more than three miles outside of a municipal corporation or for the benefit of such rural land and land within a municipal corporation.

Be it enacted by the General Assembly of the State of Ohio:

Section 6602-10. Joint sewage improvement and treatment works.

SECTION 1. Joint sewer improvement and joint sewage treatment works may be constructed, maintained, repaired and operated for the benefit of any rural land not more than three miles outside of a municipal corporation or for the benefit of such rural land and land within a municipal corporation.

Section 6602-11. Official bodies authorized to make provisions and agreements

SECTION 2. When such land to be benefited is outside of a municipality and in two or more counties the boards of county commissioners of such counties may make the provisions and agreements authorized in this section. When the land to be benefited extends into a municipality or municipalities, the council or councils thereof and the board or boards of county commissioners of the county or counties including a part or all of said rural land to be benefited, may make the provisions and agreements authorized in this section.

Provision for joint purchase or appropriation of property.

The council or councils and the board or boards of county commissioners having power as in this section authorized, may provide for the joint construction, maintenance, repair and operation of a sewer improvement or sewage treatment works provided for in section one of this act, and many agree upon the plan and location of such sewer improvement or sewage treatment works and the terms and conditions on which the sewer improvement or sewer treatment works shall be constructed, maintained, repaired and operated for common use, and the portion of the cost and expense thereof to be paid or provided for by each municipality and county. For this purpose such municipali-

ties and counties may jointly purchase, or appropriate in the manner provided by law for condemnation of private property by municipal corporation, any land necessary to enable them to carry out the purpose of this act.

Section 6602-12. SECTION 3. The council of each such municipality and the board of county commissioners of each such county so joining shall provide for assessing such portion of the cost and expense as they shall determine to be a proper charge upon lots and lands within the respective municipalities or such rural part of counties benefited thereby, and the excess over the assessment herein authorized shall be paid from the sewer funds of the municipalities and counties respectively, or if the municipalities and counties or either of them are divided into sewer districts, from the sewer fund of the district or districts directly or indirectly benefited, in whole or in part, thereby. If one or more districts are so benefited thereby, the council or councils or the board or boards of county commissioners having authority over such district or districts shall apportion the amount to be paid by each district or assessed against the property therein.

Assessment of cost and expense.

Section 6602-13. SECTION 4. Each municipality may issue bonds to provide for the payment of the portion of said cost and expense apportioned to it in the manner it may issue other sewer bonds. Each county may issue bonds to provide for the payment of the portion of said cost and expense apportioned to it in the manner it may issue other sewer bonds, and the proceedings for the construction, maintenance, repair, and operation of such sewer improvement or sewer treatment works, shall, so far as applicable, be conducted according to the provisions of title XII, division 3, chapter 5 of the part first of the General Code, and title II, chapter 4 and 4a of part second of the General Code.

Issue of bonds.

Section 6602-14. SECTION 5. The advertisement for bids for the construction, maintenance, repair, and operation of such sewer improvement or sewer treatment works shall be joint, and shall be filed with the clerk of each council participating in the joint action herein provided for and with each board of county commissioners so participating. The advertisements so filed with the clerk of councils shall be by said clerks reported to their respective councils. Any contracts made for the construction, maintenance, repair or operation of such sewer improvement or sewage treatment works shall be in the names jointly of the municipalities and counties authorized herein to so act, but each municipality or county shall be liable only for such portion of the cost and expense as shall be specified in the ordinance of the municipality or resolution of the board of county commissioners providing therefor.

Advertisement for bids; how contract shall be made.

Section 6602-15. SECTION 6. On completion, such sewer improvement or sewage treatment works and appurtenances shall be the property of such municipalities and counties jointly. Such municipalities and boards of county commissioners may by ordinance and resolution, jointly passed, prescribe the terms

Ownership of property.

and conditions, including the price to be paid therefor, upon which other municipalities, other counties, or parts thereof, public institutions or individuals may connect with and use such sewer improvements and sewage treatment works, and the disposition of the funds arising therefrom.

Section 6602-16. Authority to borrow money.

SECTION 7. Any such municipality or county may borrow money on certificates of indebtedness, at a rate of interest not exceeding six per cent. per annum, to provide for the payment of its portion of the cost and expense of the construction, maintenance, repair and operation of such sewer improvement or sewage treatment works.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913. JAMES M. COX, *Governor.*
Filed in the office of the Secretary of State May 10th, 1913.
319 G.

[House Bill No. 41.]

AN ACT

To provide for, aid, and encourage the civic, social and moral development of the local communities throughout the state.

Be it enacted by the General Assembly of the State of Ohio:

Section 2457-1. School houses and grounds for use as social centers.

SECTION 1. That upon application of any responsible organization, or of a group of at least seven citizens, all school grounds and school houses, as well as all other buildings under the supervision and control of the state, or buildings maintained by taxation under the laws of Ohio, shall be available for use as social centers for the entertainment and education of the people, including the adult and youthful population, and for the discussion of all topics tending to the development of personal character and of civic welfare. Such occupation, however, should not seriously infringe upon the original and necessary uses of such properties. Those in charge of such buildings shall prescribe such rules and regulations for their occupancy and use as herein provided as will secure a fair, reasonable and impartial use of the same.

Section 2457-2. Liability for damage; expenses.

SECTION 2. The organization or group of citizens applying for the use of properties as specified in section one of this act shall be responsible for any damage done them over and above the ordinary wear, and shall, if required, pay the actual extra expense incurred for janitor service, light and heat.

Section 2457-3. Organization and maintenance of civic and social centers.

SECTION 3. Boards of county commissioners shall be and are hereby authorized at their discretion to provide for the organization and maintenance of civic and social centers throughout the county, to employ an expert director

who shall superintend and administer the same, and to levy a tax and create a fund for the payment of all expenses involved in the social, and educational work contemplated in this act; provided, however, that any municipality carrying on similar work shall, at the option of the city council or other governing body, be exempt from the operation of this act. The board of county commissioners at their option may, or, upon petition of ten per cent. of the qualified school electors of the county, shall refer the question of providing for this social, educational and recreational work to a vote of the aforesaid electors of the county or of such portions of the same as are affected by this act.

he sectional umbers on the argin hereof re designated s provided by w.
IMOTHY S. HOGAN, ttorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 17th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 10th, 1913.
320 G.

[House Bill No. 638.]

AN ACT

To provide for the submission of publicity pamphlets by the state, county or municipality, relative to measures submitted to the people through the initiative and referendum.

Be it enacted by the General Assembly of the State of Ohio:

Section 5018-1. SECTION 1. The secretary of state, at least thirty days before any election at which any proposed amendment to the constitution or proposed law is to be submitted to the people, shall cause to be printed in pamphlet form a copy of the title and text of each measure to be submitted, with the form in which the ballot title thereof will be printed on the official ballot. Such pamphlet shall also contain an explanation of any proposed measure, not exceeding a total of three hundred words for each, to be filed as hereinafter provided.

Title and text of each proposed law or amendment shall be printed in pamphlet; explanation.

Section 5018-2. SECTION 2. Five persons may be named in any petition or supplementary petition to prepare the explanation of the measure to be submitted; which explanation shall be filed with the secretary of state not later than sixty days before the election at which the measure is to be voted upon.

Five may be named in petition to prepare explanation.

Section 5018-3. SECTION 3. When any valid and sufficient petition or supplementary petition shall have been filed with the secretary of state demanding the submission of any measure to a vote of the people, and the general assembly is in session, the speaker of the house shall name two of its mem-

When president of senate and speaker of house may name committee to prepare explanation.

bers, and the president of the senate shall name one of its members, which shall constitute a committee to prepare the explanation of the measure on behalf of the general assembly. If the general assembly is not in session then the governor shall name a committee of three electors, which committee shall serve without compensation and which shall prepare and file such explanation with the secretary of state not later than sixty days before the election at which the measure is to be voted upon.

Section 5018-4.

Cost of distribution of pamphlets; how paid.

SECTION 4. The posting and other cost of distributing such pamphlets shall be paid by the state. The auditor of the state upon receipt of a voucher signed by the secretary of state shall draw his warrants on the state treasurer for such amount as may be necessary to pay for such printing, postage and cost of distribution at each election, and the same shall be paid from the general fund of the state.

Section 5018-5.

Mailing copy of pamphlet to each voter in state; mailing list.

SECTION 5. The secretary of state shall, at least twenty days before any such election, transmit one copy of such pamphlet to every voter in the state by mail with postage fully prepaid. If the secretary of state shall, at or about the same time be mailing any other pamphlets to voters, he may, if practicable, bind the matter herein provided for and enclose any and all pamphlets under one cover. For the purpose of securing a mailing list of voters outside of cities having a registration of voters, the secretary of state shall prescribe the forms of books to be used by all local election officials in keeping a record of the postoffice address of all voters residing outside of such cities. The latest available registration lists shall be used in such cities.

Section 5018-6.

When additional copy may be incorporated in pamphlet.

SECTION 6. When more copy is offered to the secretary of state than herein provided for, the secretary of state shall cause such additional copy to be incorporated in the pamphlet provided for in section 1 of this act, if the parties submitting such additional copy deposit with it a sum of money sufficient to pay for the printing thereof. When any constitutional amendment or other measure has been published in pamphlet form in accordance with the provisions of this act, the same shall be in lieu of any other method of advertising provided by law.

Section 5018-7.

Duties of mayors and clerks of municipal corporations, clerk deputy state supervisors in counties.

SECTION 7. In all municipal corporations which have not or may not provide by ordinance or charter for the manner of exercising the initiative and referendum powers reserved by the constitution to the people thereof, as to their municipal legislation, the duties required of the secretary of state by this act, as to state legislation, shall be performed as to such municipal legislation by the clerk of the municipality; the duties required of the governor shall be performed by the mayor or executive body as to such municipal legislation, and in all counties exercising the initiative powers now or hereafter provided by law the duties required of the secretary of state by this act as to state legislation shall be performed as to such county measures by the clerk of the board of deputy state supervisors of

elections; the duties required of the governor shall be performed by the prosecuting attorney.

Section 5018-8. To what political subdivisions act applies.

SECTION 8. The provisions of this act shall apply in every municipality in all matters concerning the operation of the initiative and referendum in its municipal legislation, unless otherwise provided for by the legislative authority of the municipality, and shall likewise apply in so far as possible in every county in all matters concerning the operation of the initiative and referendum; provided, that the printing and distribution of the pamphlet of measures and the sample ballot of measures therewith shall not be dispensed with in any municipality or county. The printing and binding of measures in municipal legislation and county matters shall be paid by the municipality or county in like manner as payment is provided for by the state as to state legislation, and said printing shall be done in the same manner that other municipal or county printing is done; distribution of such pamphlets shall be made to every voter in the municipality or county, so far as possible, by the clerk of such municipality or county commissioner, as the case may be, either by mail or carrier, not less than ten days before the election at which the measures are to be voted upon.

Section 5018-9. When explanations upon municipal and county measures shall be filed.

SECTION 9. Explanations upon municipal or county measures shall be filed with such clerk not less than sixty days before a general election and not less than forty days before a special election at which they are to be voted upon. Arrangements may be entered into between the secretary of state and the proper local officers for the publication in one pamphlet of copy relating to both state and local matters, and where such arrangement is deemed advisable, agreement may be made to pro rate the cost of publication and distribution between the state and the municipality or county.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 6th, 1913. JAMES M. COX, *Governor.*
Filed in the office of the Secretary of State May 10th, 1913.
321 G.

[House Bill No. 678.]

AN ACT

To create an institution for the relief of the needy blind.

Be it enacted by the General Assembly of the State of Ohio:

Section 1369-1. Institution for relief of needy blind.

SECTION 1. That there shall be established and maintained in the city of Columbus, Ohio, a state institution, to mean under this act a board for the relief and benefit of the needy blind.

Section 1369-2. Appointment of members, term, vacancies.

SECTION 2. That said institution shall consist of a board of three members appointed by the governor, one for four years, one for three years, one for two years, and all appointments thereafter shall be for a term of four years, and all vacancies shall be filled by the governor for any unexpired term; the said board shall have the control and management of its finances and shall have the power to enact all necessary rules and regulations.

Section 1369-3. Meetings; secretary.

SECTION 3. The said board shall meet at the call of the governor or its president or at such a time as may be agreed upon by its members, and shall be authorized to employ a secretary at a salary not to exceed twelve hundred dollars per annum.

Section 1369-4. Accommodations and supplies.

SECTION 4. Said board shall provide suitable rooms, furniture and supplies for its use and may hold its sessions outside of the said city, at any place within the state. The members of the board shall serve without compensation but they shall receive the necessary expenses of travel.

Section 1369-5. Who entitled to benefits of institution.

SECTION 5. Any person who becomes blind while residing in this state and who has continuously resided in this state for five years prior to his application for the relief herein provided, who, by reason of loss of eyesight, is unable to provide himself or herself with the necessaries of life and has not sufficient means of his or her own so to do, shall be deemed entitled to the benefits and support of the said institution as herein provided.

Section 1369-6. Proceedings to obtain relief.

SECTION 6. In order to obtain relief from the said institution for the blind, the persons claiming relief shall file written application with the probate judge of the county in which he or she resides, duly verified and supported by the sworn statements of at least two reputable residents of the county where the applicant resides, one of whom shall be a registered physician, and neither of whom shall be related to the applicant, setting out the facts entitling the person to the relief as claimed.

Section 1369-7. Hearing on application and fixing amount of relief.

SECTION 7. The probate judge of the county in which said application is filed shall promptly hear and determine the said evidence or such other and further evidence as he may require, and shall thereupon determine the amount of the relief that the applicant is entitled to under said proof, not exceeding the sum of two hundred and forty dollars per annum, payable quarterly, and shall immediately, upon his finding transmit a copy of the said application and evidence and finding, to the said board, and his findings upon said facts shall be final and conclusive unless reviewed, set aside or modified by the board at their discretion.

Section 1369-8. Tax levy to create fund for the blind.

SECTION 8. In addition to the taxes levied by law for its purposes, the said board may certify to the said auditor of state, to be levied and collected as other taxes, a state tax not to exceed one-sixth of one mill on the dollar, to be levied and collected upon the taxable property of the state for the purpose of creating a fund for the blind as herein provided. Provided, however, that such levy shall be sub-

ject to the limitations provided by law upon the maximum and combined maximum rates of taxation. After the passage of this act and on the demand of the state treasurer the treasurers of the respective counties shall transfer and pay over to the state treasurer all monies in their possession or that may thereafter come into their possession under present levies for the relief of the blind.

Section 1369-9. SECTION 9. Out of the funds so received the said board shall quarterly issue to the claimant the sum allowed for the previous quarter and the warrant for the said sum shall be signed by the president and secretary of said board and be approved by the auditor of state.

Quarterly payments of amount allowed for relief.

SECTION 10. That sections 2962, 2963, 2964, 2965, 2966, 2967, 2967-1, 2968, 2969 and 2970 of the General Code be, and the same are hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
322 G.

[House Bill No. 64.]

AN ACT

To amend Section 12270 of the General Code fixing the time to begin proceedings in error.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12270 of the General Code be amended to read as follows:

Sec. 12270. No proceedings to reverse, vacate or modify a judgment or final order shall be commenced unless within seventy days after the entry of the judgment or final order complained of; or in case the person entitled to such proceedings is an infant, a person of unsound mind, or imprisoned, within seventy days exclusive of the time of such disability.

Proceedings in error; limitations.

SECTION 2. That said original section 12270 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
323 G.

[House Bill No. 323.]

AN ACT

To amend sections 6536, 6537, 6539, 6540, 6541, 6543, 6545, 6546, 6550, 6553, 6556, 6557, and 6558 of the General Code, relating to joint county ditches, rivers, creeks and runs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6536, 6537, 6539, 6540, 6541, 6543, 6546, 6550, 6553, 6556, 6557 and 6558, be amended to read as follows:

Joint county ditches.

Sec. 6536. Ditches, drains or watercourses which provide drainage, or, when constructed, will provide drainage for lands in more than one county, may be located and constructed, enlarged, cleaned, or repaired or boxed or tiled as provided in this chapter and the laws prescribed for constructing, enlarging, cleaning or repairing single county ditches, drains or watercourses, or the channel of a river, creek, or run, ditch, or part thereof which provides drainage, or when improved will provide better drainage for lands in more than one county, may be improved by straightening, widening, deepening or changing the channel or part thereof, of it, or by removing from adjacent lands, timber, brush, trees, or other substance liable to obstruct it, as provided in this chapter and the laws prescribed for the improvement of the channel of a river, creek or run or part thereof as provided in the laws for single county ditches.

Application when ditch in more than one county.

Sec. 6537. When a ditch or improvement is proposed, which will require a location in more than one county, or it is sought to improve the channel of a river, creek or run, or part thereof, by straightening, widening, deepening, or changing it, or by removing from adjacent lands, timber, brush, trees, or other substance liable to obstruct it, which improvement as proposed is in more than one county, application shall be made to the board of county commissioners of each of such counties, and the surveyor or engineer shall make a report for each county. Application for damages shall be made and appeals from the finding of the commissioners, in joint session, locating and establishing such ditch or granting the improvement, of the channel of a river, creek or run or any part thereof, and from the assessment of damages or compensation, shall be taken to the probate court of the county in which the greatest length of such ditch or improvement, or the greatest length of the channel of a river, creek, or run, ordered improved is located. A majority of the joint board of commissioners, when in joint session, shall be competent to locate and establish such ditch or improvement, or to grant the order improving the channel of a river, creek, or run or part thereof. Or in case the members of the said joint board of commissioners when in joint session shall be equally divided on the locating or establishing

Damages.

Appeal.

such ditch improvement, or the granting the order for improving the channel of a river, creek or run or part thereof, by straightening, widening, deepening or changing it, or by removing from adjacent lands timber, brush, trees or other substance liable to obstruct it; said joint board shall certify that fact to the governor of the state of Ohio, who shall within twenty days appoint an experienced civil engineer who is not a resident of either county or interested in the proceedings had under this act, nor employed at any time upon any public work done under the direction of the commissioners of any such county. Said civil engineer shall thereupon be competent to sit with said commissioners in joint session and vote on all questions relating to such proceedings as fully and completely as any commissioner of said joint board. The compensation for said civil engineer shall be ten dollars per day and his necessary expenses, provided, he shall not be paid for more than twenty days in any one proceeding. The said compensation and expenses shall be paid as part of the expenses of the proceedings if the improvement is ordered, and against the petitioners if rejected by said joint board. No county commissioner shall serve in any case in which he is personally interested and any two commissioners of their respective counties, may form a quorum for the transaction of business under this chapter.

Procedure in case of equal division of joint board.

Sec. 6539. If the majority of the joint board of county commissioners in joint session find in favor of the proposed improvement or improvements provided for in section 6537, and are unable to agree as to the proportion of the costs of location and construction of the improvement, or of the improvement of the channel or part thereof of a river, creek or run, which shall be assessed in each of the counties, respectively, the commissioners of either county may petition the court of common pleas of the county in which the greatest length of such ditch or improvement or the greatest length of the channel of a river, creek or run ordered improved is located for the appointment of three disinterested freeholders, not residents of either of said counties, who, within thirty days thereafter, after being duly sworn and upon actual view of the improvement, shall estimate and report to the court the amount which would be charged to the land respectively in each county interested in the improvement. The commissioners making the application shall be plaintiffs, and the commissioners of the other counties shall be defendants. The court shall have exclusive jurisdiction. Either of the parties, within ten days after the filing of said report, may file exceptions thereto, and the court shall confirm, modify or set aside the report and appoint other freeholders, as justice may require. Costs, including allowance to said freeholders, shall be charged to the parties as the court may determine. After final determination, the clerk of the court shall send a transcript of such proceedings, duly certified, to the

When court may appoint freeholders to apportion costs.

commissioners of each county, who shall make the apportionment of costs of location and construction or the improvements of the channel or part thereof of a river, creek or run, as provided by law for single county ditches, giving to the property in each county the amount so determined in the court proceeding, including costs.

Payment upon agreement for use and benefit.

Sec. 6540. When the board of county commissioners cause to be constructed, enlarged, cleaned, or repaired, a ditch, drain or watercourse, or the channel or any part thereof of a river, creek or run to be improved, by cleaning out, straightening, widening, or deepening the same, water from which flows into an adjoining county, or into or finds an outlet in a ditch, drain or watercourse constructed or being constructed in an adjoining county, or finds an outlet in a river, creek, or run being improved in an adjoining county, or cause to be constructed, enlarged, cleaned or repaired, a ditch, drain or watercourse, or cause to be improved the channel or any part thereof of a river, creek or run, by cleaning out, straightening, widening, or deepening, the same, which is, or may be, an outlet for a ditch, drain, or watercourse, or river, creek, or run, of lands of an upper county, or which by reason of the improvement thereof, will provide better drainage, or a more sufficient outlet for a ditch, drain, or watercourse, or a river, creek or run, for lands of an upper county, or finds it necessary to construct, enlarge, widen, deepen or clean a ditch, drain or watercourse, or to improve the channel or part thereof of a river, creek or run of a lower county in order to secure a sufficient outlet for a proposed ditch, drain or watercourse, or river, creek or run of an upper county the commissioners of said upper county shall pay the commissioners of such lower county such sum as is agreed upon by a majority of the joint board of the commissioners of all counties for the use and benefit of such outlet. The commissioners of such upper county shall apportion such sum to the lands in their county, for whose benefit said ditch or improvement was or is made or constructed.

When agreement shall be made.

Sec. 6541. Before work is begun in the construction, enlarging, cleaning, or repairing, of a ditch, drain or watercourse, or the improving of the channel or a part thereof, of a river, creek or run, in either of such counties, as provided in the next preceding section, the amount to be paid by the commissioners of the upper county to the commissioners of the lower county, for the use and benefit, or burden of such outlet, or better outlet, shall be agreed upon or be determined at a joint meeting of the commissioners of the upper and lower counties upon the line or proposed line of such ditch, drain, or watercourse, river, creek or run.

Proceedings on failure to agree.

Sec. 6543. On failure to agree or pay, as provided in the next three preceding sections, the commissioners of any of said counties and within twenty days after such proposed joint meeting, may commence their action in the

common please court of the county in which the greatest length of such ditch or improvement or the greatest length of the channel of a river, creek or run ordered improved is located against the commissioners so failing to agree or refusing to pay, setting forth the fact that proceedings have been begun for such improvement, and the reason why the commissioners of the upper county should pay to the commissioners of the lower county compensation for such outlet, or the improvement of such outlet, or proposed outlet, and the failure to agree or pay, as provided in such sections, and praying for the relief provided in this chapter.

Further proceedings on failure to agree or pay.

Sec. 6545. The court, being satisfied of the existence of proceedings for such improvement, and the failure to so agree or pay, shall appoint three disinterested freeholders, not residents or owners of real property in any of said counties, and forthwith notify the commissioners of the other county or counties interested in said ditch or ditch improvement, or the improvement of the channel or part thereof of said river, creek, or run, and give names and postoffice addresses of such freeholders, and give explicit instructions, and stating the time and place of meeting of said three disinterested freeholders.

Report of freeholders on amount to be paid.

Sec. 6546. Within thirty days thereafter, upon actual view of the outlet ditch, or the channel or part thereof of the river, creek, or run, proposed to be improved, or the territory to be drained by such proposed improvement, and the ditch or ditches, river, creek or run in the upper county, and the lands to be drained in the upper county, whose waters flow into said outlet, or which will flow into such proposed outlet or proposed improvement thereof, such three freeholders shall estimate and report to the court the amount which should justly be paid by the upper county to the lower county for the use and benefit of said outlet ditch, or for any improvement thereof, or for the improvement of the channel or any part thereof, of any river, creek or run. Such order of appointment and instructions to said appointees, shall be entered on the journal of said court, and a copy thereof sent forthwith by the clerk to each of the appointees.

Record of appointment and instructions.

Apportionment and assessment of damages and expenses.

Sec. 6550. The court shall order the commissioners of such upper county, to apportion and assess the amount provided in said report, together with the entire expense of the proceedings, to the land in said county, in a like ratio as the expense of constructing said ditch or ditches, or the improving of the channel of said river, creek or run or part thereof in the upper county was apportioned and assessed and cause the sums so apportioned to the respective tracts of land in the upper county to be placed on the special duplicate thereof against such lands for collection. If the proposed improvement is abandoned, the court shall order the commissioners of the county from which the proposed improvement came to pay the costs of such proceedings.

Costs, when improvement abandoned.

How sum shall be used.

Sec. 6553. The sum, so paid shall be used in the enlarging of said outlet ditch, if an enlargement thereof is necessary on account of the additional water emptied into it from the upper county, or for the construction of an outlet ditch in the lower county if none exist, or for the improvement of the channel or any part thereof of said river, creek or run.

Proceedings, how commenced and conducted.

Sec. 6556. Proceedings for the construction, cleaning, repairing, or enlarging, either of said ditches, or the improving of the channel of any river, creek or run or part thereof, in either the upper or lower counties whether or not, the improvement was originally made as a joint improvement by the joint boards of commissioners of two or more counties, or whether or not the improvement to be made or constructed might be a joint improvement, may be commenced and conducted in the manner provided in this chapter and the laws relating to single county ditches.

Sec. 6557. In addition to the procedure provided by law for the construction, enlarging, cleaning out or repairing of a ditch; or the improving of the channel of a river, creek or run or any part thereof, which furnishes or may furnish drainage in more than one county, proceeding shall be commenced and conducted in the manner provided by law for the construction of joint county ditches or the improvement of a channel of a river, creek or run or any part thereof, which is located in more than one county when a majority of each board of commissioners of such county so agree.

When majority of each board of commissioners agree.

Procedure when commissioners do not agree or determine to proceed under laws.

Sec. 6558. When the county commissioners do not agree or determine to proceed under the laws for the construction of joint county ditches and the improvement of channels, rivers, creeks, or runs or parts thereof located in more than one county, and the board of commissioners of the lower county unanimously agree that such improvement is necessary or will be conducive to the public health, convenience or welfare, and the line described is the best route, the proceedings in reference thereto, shall be conducted as provided in this chapter and the laws for single county ditches. The proceedings shall be conducted by the commissioners of the lower county.

Repeals.

SECTION 2. That such original sections 6536, 6537, 6539, 6540, 6541, 6543, 6545, 6546, 6550, 6553, 6556, 6557 and 6558 of the General Code be, and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 12th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.

324G.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 675.]

AN ACT

To amend section 614-53 of the General Code, relating to the issuing of stocks, bonds, notes and other evidences of indebtedness, payable at periods of greater than twelve months from the date thereof, of public utilities and railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 614-53 of the General Code be amended to read as follows:

When public utility may issue stocks, bond, notes, etc.

Sec. 614-53. A public utility or a railroad, as defined in this act, may, when authorized by order of the commission, and not otherwise, issue stocks, bonds, notes and other evidences of indebtedness, payable at periods of more than twelve months after date thereof, when necessary for the acquisition of property, the construction, completion, extension or improvement of its facilities or for the improvement or maintenance of its service, or for the reorganization or readjustment of its indebtedness and capitalization, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility or railroad not secured or obtained from the issue of stocks, bonds, notes or other evidences of indebtedness of such public utility or railroad within five years next prior to the filing of an application therefor as herein provided, or for any of the aforesaid purposes except maintenance of service and except replacements in cases where the applicant shall have kept its accounts and vouchers of such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purposes for which said expenditure was made.

How and for what purposes commission may authorize issue.

The commission may, by order duly made, authorize the issue of bonds, notes, or other evidences of indebtedness, for the reimbursement of money heretofore actually expended from income for any of the aforesaid purposes, except maintenance of service and replacements prior to five years next preceding the filing of an application therefor, if such application for such consent be made prior to January 1, 1913. Any bonds, notes, or other evidences of indebtedness, payable at periods of more than twelve months after date thereof, may be issued as herein provided, regardless of the amount of the capital stock of the public utility or railroad, subject to the approval of the commission to the excess of such bonds, notes, or other evidences of indebtedness above the amount of the capital stock of such public utility or railroad, notwithstanding any provisions of the General Code of Ohio now in force to the contrary.

Provided, however, that it shall be the duty of the commission to authorize on the best terms obtainable, such issues of stocks, bonds and other evidence of indebtedness

as shall be necessary to enable any public utility to comply with the provisions of any contract heretofore made between such public utility and any municipality.

SECTION 2. That original section 614-53 of the General Code be, and the same is hereby, repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
325 G.

[House Bill No. 676.]

AN ACT

To amend Section 615, General Code, relative to the office of the superintendent of insurance.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 615 of the General Code be amended to read as follows:

Sec. 615. The governor, with the advice and consent of the senate shall appoint a superintendent of insurance, who shall serve for a term of three years and have an office at the state capitol. No person shall be appointed to such office who has any official connection with an insurance company, owns any stock therein, or is interested in the business thereof, except as a policy holder.

Superintendent of insurance, appointment and term.

SECTION 2. That said original section 615 of the General Code be and the same is hereby repealed.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
326 G.

[House Bill No. 474.]

AN ACT

Providing a levy for the support of the state normal schools at Bowling Green and Kent, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7927 of the General Code be

supplemented by the addition of supplemental sections to be known as sections 7927-1 and 7927-2 as follows:

Levy for Bowling Green normal school.

Sec. 7927-a. For the purpose of affording support to the state normal school located at Bowling Green, Ohio, there shall be levied annually a tax on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Bowling Green normal school fu[illegible]". The rate of such levy shall be five one thousandths of one [illegible] upon each dollar of valuation as such taxable property, unless otherwise designated by the general assembly. Nothing in this section shall prevent such normal school from securing such additional appropriations as the general assembly sees fit to make from time to time for the support and equipment of the school.

Levy for Kent normal school.

Sec. 7927-b. For the purpose of affording support to the state normal school located at Kent, Ohio, there shall be levied annually a tax on the grand list of the taxable property of the state which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Kent normal school fund". The rate of such levy shall be five one thousandths of one mill upon each dollar of valuation as such taxable property, unless otherwise designated by the general assembly. Nothing in this section shall prevent such normal school from securing such additional appropriations as the general assembly sees fit to make from time to time for the support and equipment of the school.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
327 G.

[House Bill No. 429.]

AN ACT

To amend sections 4992, 4996, 4999, 5004, 5006, 5007, 5009, 5012 and 5013 of the General Code, relating to nomination by petition.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4992, 4996, 4999, 5004, 5006, 5007, 5009, 5012 and 5013 of the General Code be amended to read as follows:

Sec. 4992. Except as provided by the preceding chapter of this title, nominations of candidates for public office may be made as herein prescribed.

Nominations of candidates for offices in townships and municipalities having less than 2,000 population.

Sec. 4996. Nominations of candidates for any elective office in any township or in any municipality which at the last preceding federal census had a population of less than two thousand may, be made by petitions, signed in the aggregate for each candidate by not less than twenty-five qualified electors of such township or village.

Nominations of candidates for other offices.

Sec. 4999. Nominations of candidates for other offices, may be made by petitions, signed for each candidate by qualified electors of the state or the district, or county for which such candidates, are nominated, not less in number than one for each one hundred persons who voted at the next preceding general election in the state, district or county.

Where and when certificates and nomination papers shall be filed.

Sec. 5004. Certificates of nomination and nomination papers of candidates shall be filed as follows:

For presidential electors and state offices, including congressman at large, with the state supervisor of elections in the manner following. All petitions signed in any county of the state shall be filed with the board of deputy state supervisors of elections of such county prior to the sixtieth day before the date of the election and shall remain open to public inspection in the office of such board for a period of five days immediately prior to the fifty-fifth day before such election, during which time objection may be filed thereto and the same heard by such board which shall on or before the fiftieth day before such election transmit such petitions and objections, if any, to the state supervisor of elections together with a copy of their findings on such objections, if any, and a certificate stating the number of bona fide electors of such county whose names appear attached thereto;

For offices to be filled by the electors of a district, or subdivision of a district, composed of two or more counties, with the chief deputy state supervisor of the county in the district, or subdivision, containing the greatest number of inhabitants, as ascertained by the last federal census, not less than sixty days previous to the day of election;

For county offices or offices to be filled by the electors of a district lying within a county, with the board of deputy state supervisors of the county, not less than sixty days previous to the day of election;

For township or municipal offices, justices of the peace, or members of the board of education, with the board of deputy state supervisors of the county, not less than sixty days previous to the day of election;

For municipal officers and for members of boards of education in municipalities, situated in two or more counties, with the board of deputy state supervisors of the county containing the majority population of such municipality, not less than sixty days previous to the day of election.

Consideration of objections.

Sec. 5006. Such objections or other questions, arising in the course of the nomination of candidates, shall be considered as follows:

For state offices, congressman at large and presidential

electors, by the state supervisor of elections, and his decision shall be final;

For district offices or offices in a subdivision of a district, by the chief deputies and clerks of the boards of deputy state supervisors of the several counties comprising the district or subdivision, and their decision shall be final;

For county offices and offices of a district lying within a county, by the board of deputy state supervisors of the county, and its decision shall be final.

For township or municipal offices, justices of the peace, or members of the board of education, by the board of deputy state supervisors of the county, and its decision shall be final.

In municipalities situated in two or more counties, such objections or other questions may be submitted by the board of deputy state supervisors of the county where filed, directly to the state supervisor, and his decision shall be final.

Majority necessary.

Sec. 5007. The votes of at least three deputy state supervisors for the county or a majority of the chief deputies and clerks of the district or subdivision of the district shall be necessary to a decision. In all cases under this title in the event of a disagreement, or, if no decision can be arrived at, the matter in controversy shall be submitted to the state supervisor of elections, who shall summarily decide the question so submitted to him, and his decision shall be final.

Questions may be submitted to the state supervisor in cases of disagreement.

Certified party name may be rejected, when.

Sec. 5009. In the decision of any question as to the proper political or party designation of candidates, the proper officers herein named may distinguish between candidates nominated by primary and those nominated by petitions. A party or political designation certified by petitioners in nominating petitions at any election may be rejected if, from similarity to the name of any existing political party, such officers deems it likely to mislead or confuse voters.

Vacancy caused by death of candidate after ballots printed.

Sec. 5012. A vacancy caused by the death of a candidate which occurs after the printing of the ballots may be filled by filing the proper certificate with the secretary of state at least ten days, and with the deputy state supervisors at least five days, before the day of election. The name, office, and party of the candidate so nominated shall be printed on adhesive slips or pasters by the board of deputy state supervisors, and shall be delivered to the judges of election in each precinct before the opening of the polls and by them pasted in the proper place on the ballot before it is handed the elector.

Adhesive slips or pasters.

Vacancies shall be filled by central committee.

Sec. 5013. The power to fill vacancies on a party ticket shall be vested in the central committee of such party or in the case of a vacancy occurring in a list of candidates nominated by petition in the committee named in such petition.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 4992, 4996, 4999, 5004, 5006, 5007, 5009, 5012 and 5013 of the General Code be, and the same are, hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 10th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
328 G.

[House Bill No. 350.]

AN ACT

To amend section 4937 of the General Code, relating to the disposition of poll books and tally sheets.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4937 of the General Code be amended to read as follows:

Disposition of poll books and tally sheets.

Sec. 4937. After having set down the number of votes for each person, certified and signed it in the poll books and tally sheets in the manner prescribed by law, the judges of elections shall put under cover one of the poll books and tally sheets, seal it and direct it to the clerk of the court of common pleas. The other poll book and tally sheet shall be sealed in like manner and directed to the board of deputy state supervisors. Before separating, they shall designate two of their number as messengers, by lot, if they can not agree, one of whom shall personally and within twenty hours from the close of the polls deliver to the clerk of the court of common pleas the poll book and tally sheets so addressed to such clerk, and the other shall personally and within twenty hours deliver the other poll book and tally sheet to the board of deputy state supervisors at its office.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 4937 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 14th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
329 G.

[House Bill No. 97.]

AN ACT

To provide for the transfer of one cemetery association to another.

Be it enacted by the General Assembly of the State of Ohio:

Section 10119-1. SECTION 1. When in the judgment of the trustees of any association of persons who have been and are acting as a cemetery association and have purchased and improved land for cemetery purposes, the welfare of all concerned in the lands so purchased and improved would be subserved by transferring such lands and mprovements and other assets of such association to another association incorporated under the laws of Ohio for cemetery purposes, said trustees shall call a meeting of the members of the association of which they are the trustees by giving notice of such meeting for two consecutive weeks in a newspaper of general circulation in the county in which said cemetery is located, specifying the place, time and object of such meeting; and a majority of the members of such association shall constitute a quorum for the transaction of business, and if by a majority vote of the members of such association the trustees be authorized to convey and transfer the lands and improvements and other assets aforesaid to another corporation duly organized as aforesaid for cemetery purposes and lawfully electing to accept such transfer said trustees may and are hereby empowered to execute a deed of conveyance and transfer of said lands, improvements and other assets to said other corporation.

Providing for transfer of lands and improvements from one association to another.

It shall thereupon be incumbent upon the corporation to which said conveyance and transfer is made to carry out the objects and purposes for which said original association was formed and to apply any moneys received by it from said original association in laying out, preserving, protecting and embellishing said cemetery.

All rights of lot owners in the cemetery ground of the original association are reserved and assured to them and made valid without reference to the form of conveyance issued by the original association.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
330G.

[House Bill No. 196.]

AN ACT

Authorizing the issuance of bonds and acquisition and appropriation of property and rights by municipal corporations to construct and equip electric railways and terminals on leased canal and other property.

Be it enacted by the General Assembly of the State of Ohio:

Section 3697-1. Power to issue bonds to construct and equip electric railways and terminals on leased canal and other property.

SECTION 1. For the purposes and in the manner and in the amounts hereinafter specified, when it deems necessary, the council of any municipal corporation which has leased from the state of Ohio any canal lands or property, by affirmative vote of not less than a majority of the members elected thereto, by ordinance may issue and sell bonds in such amounts and denominations, for such period of time at such rate of interest not exceeding six per cent., and in the manner as provided by law, to provide for the construction in, through, under, on or upon such canal lands, or part thereof, together with streets and lands outside of such canal lands, whether within or without the limits of such municipal corporation, of a union depot and terminals for interurban, suburban, street and other electric railways, or for the construction of interurban or suburban or street or rapid transit electric railways, or for any combination of two or more of such purposes.

Section 3679-2. Limitation.

SECTION 2. The aggregate amount of such bonds or total indebtedness created under the authority of this act shall not be limited by the provisions of any act or statute of Ohio or law except by the limitation herein set forth, but such aggregate or total indebtedness shall not exceed two per cent. of the total value of all property in such municipal corporation as listed and assessed for taxation.

Section 3679-3. Provisions shall not be made for issue of bonds until approved by electors at general or special election.

SECTION 3. No ordinance providing for the issuance of any of said bonds shall be passed until the approval of the electors of the corporation is obtained at a general election or at a special election called by the city council for the purpose, and held not less than sixty (60) days after the passage of the following described resolution by council. When council deems it necessary to issue any of said bonds, it shall first by resolution, passed by an affirmative vote of not less than a majority of all the members elected thereto, declare it necessary to issue and sell such bonds and shall state in the resolution the purpose and amount of the proposed issue and the date upon which the question of issuing and selling such bonds shall be submitted to the electors of the corporation. Council shall then cause a copy of such resolution to be certified to the deputy state supervisors of elections of the county in which the corporation is situated, or their successors, and said deputy state supervisors or

their successors shall prepare the ballots and make the necessary arrangements for the submission of such question to the electors of such municipal corporation at the time fixed in the resolution. The election shall be held at the regular place or places of voting in the municipality and shall be conducted, canvassed and certified in like manner, except as otherwise provided by law as regular elections in the municipal corporation for the election of officers thereof. Thirty days' notice of the election shall be given in one or more newspapers printed in the municipality once a week for four consecutive weeks prior thereto, stating the amount of bonds to be issued, and the purpose for which they are to be issued and the time and place of holding the election. If a majority of the voters voting at such election upon the question of issuing the bonds, vote in favor thereof, the bonds shall be issued. Those who vote in favor of the proposition shall have written or printed on their ballots "for the issue of bonds," and those who vote against it shall have written or printed on their ballots "against the issue of bonds." The maximum indebtedness which may be created under the provisions of this act shall not exceed the aggregate amounts specified in such resolutions and thus submitted to the electors.

Section 3697-4. How proceeds of sale used.

SECTION 4. The proceeds from the sale of such bonds may be used by such municipal corporation for the construction in, through, on, over, upon or under any canal lands or property leased by such municipal corporation from the state of Ohio, together with any lands or property outside of such canal lands, whether within or without the municipal corporation, of a union depot and terminals for street, interurban or suburban or other electric railways or for the construction in, through, on, over, upon or under said lands of interurban or suburban or rapid transit or street electric railways, or any combination of said depot terminals and railways, and the necessary tracks, way stations, depots, workshops, conduits, subways, tunnels, offices, sidetracks, turnouts, machine shops, bridges and other appurtenances, and for the purchase, acquisition, or condemnation of the necessary lands, easements and rights of way, and for the purchase of the equipment necessary for the operation thereof.

Section 3697-5. Power to acquire by purchase or appropriation.

SECTION 5. Any such municipal corporation is hereby given power to acquire by purchase or to appropriate, enter upon and hold any real estate or easement therein, thereon, thereunder, or thereover, or interest therein, both within and without the limits of such corporation, which it deems necessary for the purposes above specified; such power to be exercised in the manner provided by law for the acquisition and appropriation of property by municipal corporations. Any such municipal corporation shall have the same powers and rights to cross and occupy streets and highways as are

provided by law for street, suburban or interurban electric railways, and to receive from city, township, or county officers grants of the right to use or occupy streets and other public highways.

Section 3697-6.

Rentals, fees, earnings, etc., kept in separate fund.

SECTION 6. All rentals, payments and fees of every description and all other income, earnings or revenues, received from all persons, firms and corporations for the use of said depot, terminals and railways, shall be kept in a separate and distinct fund, and, after paying the expenses of the municipal corporation of conducting and managing said depot, terminals and railways, including the setting aside of a reasonable sum annually for depreciation to be applied to the repair or replacement of any portion of said work, from the remainder of said receipts there shall annually be paid into the sinking fund of the city such sum or sums as are necessary for the payment of accruing interest on said bonds and for providing a sinking fund for the redemption thereof at maturity, and to the extent that said remainder shall not be sufficient for the said payment of the interest on said bonds and for the said accumulation of a sinking fund sufficient for payment thereof at maturity, the municipal corporation shall annually levy a tax sufficient for such deficiency, and said taxes shall not be subject to any of the limitations provided by law for maximum tax rates on property in the municipal corporation, except the combined maximum rate fixed in section 5649-5b of the General Code of Ohio, but may be levied to the extent herein described in addition to all other tax levies provided by law. The surplus in any year above said expenses, depreciation charges, interest and sinking fund charges, shall up to the amount necessary to equal said deficiencies of previous years, be paid into the sinking fund of said city until the amounts paid into the sinking fund from the said revenues shall equal the total accrued interest and sinking fund charges on said bonds; and any amounts thus paid in on account of such past deficiencies, may be applied to interest or sinking fund charges on any indebtedness of said city. Any surplus above said expenses, depreciation charges, current interest and sinking fund charges and reimbursement of past deficiencies of interest and sinking fund charges, may be used for the reconstruction of, improvement of, additions to, or extensions of such depots, terminals and railways and equipment.

Tax levy in case of deficiency.

Application of surplus.

Section 3697-7.

Power to lease.

SECTION 7. Such municipal corporation may grant to any corporation organized for street railway purposes the right to operate by lease or otherwise such depot, terminals and railways upon such terms and conditions as may be agreed upon between it and such corporation and approved at an election by a majority of the electors of such municipal corporation voting thereon, and corporations organized under the laws of Ohio for street railway purposes are

hereby invested with power to lease or operate such depot, terminals or railways.

C. L. SWAIN,
Speaker of the House of Representatives
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
331 G.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

[House Bill No. 2.]

AN ACT

To provide for the removal of certain officers for misconduct in office.

Be it enacted by the General Assembly of the State of Ohio:

Section 10-1. SECTION 1. That any person holding office in this state, or in any municipality, county or any subdivision thereof, coming within the official classification in section 38, article 2, of the constitution of the state of Ohio, who refuses or wilfully neglects to enforce the law, or to perform any official duty now or hereafter imposed upon him by law, or who is guilty of gross neglect of duty, gross immorality, drunkenness, misfeasance, malfeasance or nonfeasance, shall be deemed guilty of misconduct in office; upon complaint and hearing in the manner provided for herein shall have judgment of forfeiture of said office with all its emoluments entered thereon against him, creating thereby in said office a vacancy to be filled as prescribed by law. The proceedings provided for herein are in addition to impeachment and other methods of removal now authorized by law.

Providing forfeiture for misconduct in office.

Section 10-2. SECTION 2. Complaint for the removal of public officers on any of the grounds enumerated in the preceding section shall be commenced by the filing of a written or printed statement specifically setting forth the charge which statement shall, when it contains a complaint against an officer other than a state officer be signed in their own handwriting by at least twenty per cent. of the qualified electors within the designated limits for which said officer was elected, as shown by the number of votes cast at the next preceding general election; when such statement contains a complaint against a state officer, it shall be signed in their own hand writing by at least six per cent. of the qualified electors of the state as shown by the number of votes cast at the next preceding general election. Signatures to said complaint may be obtained by the circulation of copies thereof for such signatures. Only signatures at-

How complaint shall be commenced for removal.

tached to such copies whereby the party before signing was afforded the opportunity of reading such complaint will be counted, and all such copies will be treated as originals. Said complaint, in copies or singly as the case may be, with all the signatures attached as aforesaid, shall be fastened as one document and may when such complaint is against a state officer be filed with the governor of the state; complaints against officers other than state officers may be filed with the judge of the court of common pleas of the county where in the officer against whom the complaint is filed resides, except that when the officer against whom the complaint is filed is a common pleas judge, such complaint may be filed in the court of appeals of the district where such judge resides, and all complaints against state officers may be filed with the court of appeals in the district wherein the officer against whom the complaint is filed resides. The governor, or judge or clerk of the court, shall cause a copy of such statement to be served upon the officer, against whom the complaint has been filed, at least ten days before the hearing. The hearing herein provided for shall be had within thirty days from the date of the filing of the complaint by said electors. The proceedings had by the governor or court upon such removal shall be matters of public record and a full detailed statement of the reasons for such removal shall be filed by the governor in the office of the secretary of state, or by the judge with the clerk of the court, and shall be made a matter of public record therein.

What signatures counted.

Where filed.

Service of copy and time of hearing.

Section 10-3.

SECTION 3. The decision of the governor so filed with the reasons therefor shall be final. The governor or judge or court may suspend the officer pending such investigation. The governor may subpoena witnesses for the hearing and the adjutant general or the sheriff of the county in which the witnesses live, or the county in which the hearing is to occur, shall serve the subpoenas. The witness fees and other fees shall be the same as in civil cases. The governor shall have authority to compel the attendance of the witnesses and have the same powers therein as are now authorized to be exercised by the court of common pleas. Expenses for such hearing shall be paid out of the general revenue fund of the state when such hearing is before the governor upon the warrant of the governor. When such hearing is before the judge of the court of common pleas or the court of appeals in the county where such officer resides, such court is authorized to subpoena witnesses and compel their attendance in the same manner as said court is now authorized in civil cases, and the expenses shall be paid out of the general revenue fund of the county.

Suspension.

Witnesses and fees.

Section 10-4.

SECTION 4. The decision of the court of common pleas in all cases for the removal of officers may be reviewed on error by the court of appeals. The transcript of the record and the petition in error shall be filed in such court of appeals in not more than thirty days after the decision is rendered and the journal entry made by the court of

common pleas. Such petition in error may be filed only after leave has been granted by the court for good cause shown at a hearing of which the attorneys for both the officer and the prosecution have been duly notified. Such court of appeals shall have jurisdiction to hear such case at any place in the judicial district in which such court may be sitting, and such court shall hear such case in not more than thirty court days after the filing of the petition in error. The decision of such court in refusing to allow a petition in error to be filed, or in the passing upon the merits of the case in the error proceedings, shall be final. If the court of appeals review the proceedings herein provided for in any other county within their judicial district other than the county wherein the officer complained against resides, said court of appeals shall transmit their findings with the reasons therefor to the clerk of the court of common pleas of the county wherein the officer complained against resides, with instructions to said clerk to make the findings of said court a matter of record upon the journal of said court in the county wherein the officer complained against resides. In all cases involving the removal of an officer against whom a complaint has been filed in the court of appeals, the officer shall have the right of review or appeal to the supreme court on leave first obtained, and such court shall hear such case in not more than thirty court days after leave has been granted and in other respects such hearing shall follow the regular procedure in appealable cases which originate in the court of appeals. If any officer is removed and the law provides no means for filling the vacancy, the county board of deputy supervisors of elections in such county where such officer so removed resides shall order a special election to fill such vacancy in the unit of government in which such officer removed was elected.

Petition in error on leave.

Record of findings in county where officer resides.

Right of review or appeal to supreme court.

Vacancy.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
332 G.

[House Bill No. 100.]

AN ACT

To provide for an eight hour day on public work in the state or in any political subdivision thereof, or by contractors or sub-contractors in behalf of the state or any political sub-division thereof and penalties for violation of same.

Be it enacted by the General Assembly of the State of Ohio:

Section 17-1.

Hours constituting day's and week's work on public work.

SECTION 1. Except in cases of extraordinary emergency, not to exceed eight hours shall constitute a day's work and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the state, or any political subdivision thereof, whether done by contract or otherwise; and it shall be unlawful for any person, corporation or association, whose duty it shall be to employ or to direct and control the services of such workmen to require or permit any of them to labor more than eight hours in any calendar day or more than forty-eight hours in any week, except in cases of extraordinary emergency. This section shall not be construed to include policemen or firemen.

Section 17-2.

Penalty for violation.

SECTION 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction be fined not to exceed five hundred dollars or be imprisoned not more than six months or both.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 3. This act shall be in force and applicable to all contracts let on and after July 1, 1915.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
333 G.

[House Bill No. 1.]

AN ACT

Relative to regulating newspapers and the publication of nothing but the truth.

Be it enacted by the General Assembly of the State of Ohio:

Section 6319-2.

Defining newspaper company and newspaper.

SECTION 1. Any person or persons, firm or firms, co-partnership or voluntary association, joint stock association, company or corporation, wherever organized or incorporated, engaged in the business of printing or publishing a newspaper, magazine or other periodical sold or offered for

sale in this state, is a newspaper company, and any such newspaper, magazine or other periodical publication is a newspaper within the meaning of this act.

Section 6319-3. SECTION 2. If any newspaper company, at any time, prints, publishes or circulates any false statements, allegations or rumor pertaining or relating to any individual or association of individuals, or to any trade, labor, business, social, economic or religious organization or to any firm, corporation or business, or to any public official or candidate for a public office, the said newspaper company upon demand of any person or persons affected or of their representatives, shall print, publish and circulate, any statement or article setting forth in proper language the truth pertaining to such statements, allegations or rumor, which said person or persons or their representatives shall offer to said newspaper company for publication.

Correction of false statement, etc., formerly published.

Section 6319-4. SECTION 3. Whenever demand has been made for the publication of such statements or articles, the newspaper company shall print and circulate the same in the next regular issue or within forty-eight hours following the receipt of such statement or article. Such statement or article shall be phrased in proper language and be printed without any additions to, or omissions therefrom, in the same color of ink, from like type, with headlines of equal prominence, occupying a like space in the same portion of the newspaper as was used in printing the original article complained of, and shall be given the same publicity in all respects and, as nearly as possible, the same circulation as such original article. The said newspaper company shall print and publish such statements or articles as herein provided for without cost to said person or persons or their representatives; and such publication may be proved at the trial as a mitigating circumstance to reduce damages, provided that any voluntary publication made without demand may be used to rebut any presumption of malice or injury on the part of such newspaper company growing out of the original publication to which same related. Nothing contained in this section shall prevent the injured party from alleging and proving actual malice on the part of the publisher and any special damages resulting to him therefrom.

When and how such corrected statements shall be published.

Section 6319-5. SECTION 4. Every statement or article which newspaper companies are herein required to publish, shall be sworn to by the person offering the same for publication, but the certificate of the notary or other official showing that the statement was so made under oath, shall not be published. Any person who wilfully swears to any such statement or article falsely, shall be guilty of perjury, and shall be punished by fine not exceeding $500.00 or imprisonment not exceeding one year, or both, in the discretion of the court. No newspaper company shall be held liable in any civil or criminal proceedings for anything in any such statement or article.

Statements required to be published shall be sworn to.

Section 6319-6. Penalty for refusal or failure to publish; prosecution.

SECTION 5. Any newspaper company refusing or failing to print, publish and circulate any statement or article if true as required by the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $1,000.00; and the person responsible for such refusal shall be fined not exceeding $500.00. It shall be the duty of the prosecuting attorney of the county wherein such newspaper is published where complaint is made to him in writing of the refusal or failure of any newspaper company or persons to comply with all the provisions of this act relative to the publication of such statements or articles, to forthwith investigate said complaint and upon reasonable cause begin proceedings against such newspaper company or person and to prosecute the same.

Section 6319-7. Penalty for furnishing false statement, news item, etc.

SECTION 6. Whoever contributes or furnishes any statement, allegation or news item to a newspaper, knowing that such statement, allegation or news item is untrue, shall be guilty of a misdemeanor and upon complaint of such newspaper company or of any person or persons injured in property, person or reputation by the publication of such statement, allegation or news item and upon conviction thereof, shall be fined not exceeding $500.00 or imprisoned in the county jail or workhouse not exceeding six months, or both.

Section 6319-8. Penalty for threats of publication to influence official action.

SECTION 7. Any newspaper company, or owner, officer, editor, writer or representative thereof, who attempts to improperly influence any public official for or against any public measure or official action by threats of publication of articles derogatory of such public official, or who seeks to improperly influence such public official on the floor or in the cloak or committee rooms of any general assembly or other legislative body, to which he has access because of his connection with the newspaper, for or against any proposed law, ordinance or other legislative act, shall be guilty of a felony, and upon conviction thereof shall be fined not exceeding $1,000.00 or imprisoned not exceeding one year, or both.

Section 6319-9. The sectional numbers on the margin hereof are designated as provided by law.

SECTION 8. The invalidation of any section or part of a section of this act shall not affect the validity of any portion of the act not specifically invalidated.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.

TIMOTHY S. HOGAN, *Attorney General.*

334 G.

[House Bill No. 671.]

AN ACT

To repeal section 7576 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

This act is temporary and does not require sectional numbering in the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 1. That section 7576 of the General Code be, and the same is hereby repealed. Repeals.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
335 G.

[House Bill No. 666.]

AN ACT

Making appropriations for interest on the irreducible debt, for the support of the common schools, for the Miami University, the Ohio University, the state normal school or college of the Ohio University, the state normal school or college of the Miami University, the state normal school at Kent, Ohio, the state normal school at Bowling Green, Ohio, the Ohio State University, and for the normal and industrial department of the Wilberforce University.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys that may be in the state treasury, or that may come into the state treasury, belonging to the sinking fund, for the purposes hereinafter named:

APPROPRIATIONS FOR COMMON SCHOOLS.

For interest on the irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university funds, falling due January 1st, 1914.....$325,000.00 Interest on irreducible debt.

SECTION 2. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of the "State common school fund" for the fiscal year ending November 15, 1914, the sum of two million four hundred and eighty-five thousand dollars ($2,485,000.00), to be distributed for that purpose at the rate of two dollars ($2.00) for each enumerated youth; and paid in the manner provided by sections 7582, 7583 and 7584 of the General Code. State common school fund.

MIAMI UNIVERSITY.

Miami university fund.

SECTION 3. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Miami university fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1914, and for the first quarter of the fiscal year ending November 15, 1915, the sum of sixty-two thousand five hundred dollars ($62,500.00); to be applied to the uses and purposes of the Miami university according to law.

OHIO UNIVERSITY.

Ohio university fund.

SECTION 4. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio university fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1914, and for the first quarter of the fiscal year ending November 15, 1915, the sum of sixty-two thousand five hundred dollars ($62,500.00); to be applied to the uses and purposes of the Ohio university according to law.

OHIO NORMAL SCHOOL FUND.

Ohio normal school fund.

SECTION 5. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio normal school fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1914, and for the first quarter of the fiscal year ending November 15, 1915, the sum of thirty-seven thousand five hundred dollars ($37,500.00); to be applied to the uses and purposes of the state normal school or college of the Ohio university according to law.

MIAMI NORMAL SCHOOL FUND.

Miami normal school fund.

SECTION 6. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Miami normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1914, and for the first quarter of the fiscal year ending November 15, 1915, the sum of thirty-seven thousand five hundred dollars ($37,500.00); to be applied to the uses and purposes of the state normal school or college of the Miami university according to law.

KENT STATE NORMAL SCHOOL FUND.

Kent normal school fund.

SECTION 7. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Kent state normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1914, and for the first quarter of the fiscal year ending November 15, 1915, the sum of thirty-

seven thousand five hundred dollars ($37,500.00); to be applied to the uses and purposes of the state normal school at Kent, Ohio, according to law.

BOWLING GREEN STATE NORMAL SCHOOL FUND.

SECTION 8. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Bowling Green state normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1914, and for the first quarter of the fiscal year ending November 15, 1915, the sum of thirty-seven thousand five hundred dollars ($37,500.00; to be applied to the uses and purposes of the state normal school at Bowling Green, Ohio, according to law.

Bowling Green normal school fund.

THE OHIO STATE UNIVERSITY.

SECTION 9. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio state university fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1914, and for the first quarter of the fiscal year ending November 15, 1915, the sum of four hundred thousand ($400,000.00); to be applied to the uses and purposes of the Ohio state university according to law.

Ohio state university fund.

NORMAL AND INDUSTRIAL DEPARTMENT WILBERFORCE UNIVERSITY.

SECTION 10. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the normal and industrial department of the Wilberforce university fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1914, and for the first quarter of the fiscal year ending November 15, 1915, the sum of twenty-five thousand dollars ($25,000.00); to be applied to the uses and purposes of the normal and industrial department of the Wilberforce university according to law.

Wilberforce university fund.

SECTION 11. That in the event the rates authorized by law for the several funds named in this act shall not produce the respective amounts herein appropriated, the auditor of state is hereby authorized and directed to draw warrants on the state treasury in amounts equal to the deficiencies, the said warrants to be payable out of any money to the credit of the general revenue fund not otherwise appropriated; and provided further that in the event the rates authorized by law for the several funds named in this act shall produce amounts in excess of the sum appropriated, the said excess shall be covered into the state treasury and credited to the general revenue fund.

SECTION 12. That the different appropriations hereinbefore provided for are made in accordance with the provisions of amended house bill No. 186, passed May 31, 1911.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
336 G.

[House Bill No. 457.]

AN ACT

To repeal sections 779-1, 779-2 and 342-3 of the General Code, relating to the duties of the attorney general.

Be it enacted by the General Assembly of the State of Ohio:

Repeals.

SECTION 1. That sections 779-1, 779-2 and 342-3 of the General Code be, and the same are hereby repealed.

This act is temporary and does not require sectional numbering in the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
337 G.

[Senate Bill No. 261.]

AN ACT

To amend section 12600-45 of the General Code, relative to certain buildings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12600-45 be amended to read as follows:

Class of construction required.

Sec. 12600-45. Sec. 2. Class of construction required. Grade A. Where the main first floor line is eight (8) feet or more above the grade line at any entrance to or exit from any story above the basement, the basement shall be rated as the first story. Stories over fifteen (15) feet high, measuring from the floor to the ceiling line shall be rated as two stories. All buildings more than two stories high shall be of fireproof construction.

All buildings two stories high and less shall be of fireproof or composite construction.

No school building of grade A shall be built more than three (3) stories high.

Grade B. Where any floor level is more than twenty-six (26) feet above the grade line at any entrance to or exit from the building, the building shall be of fireproof construction.

Where the floor levels are less than twenty-six (26) feet above the grade line at any entrance to or exit from the building, the building shall be of composite or fireproof construction.

No school building of grade B shall be built more than five (5) stories high, nor shall the topmost floor level be more than fifty (50) feet above the grade line at any entrance to or exit from the building.

Provided, however, that this provision as to the number of stories and the height of the topmost floor level, shall not apply to libraries in buildings of fireproof construction throughout.

Grades A and B. Exceptions. All buildings one story high, without basement and with the floor line not more than four (4) feet above the grade line shall be of fireproof, composite or frame construction, providing when built of frame construction the same is erected thirty (30) feet away from any other building structure or lot line, and two hundred (200) feet beyond the city fire limits.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 12600-45 of the General Code be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
338 G.

TIMOTHY S. HOGAN,
Attorney General.

[Senate Bill No. 164.]

AN ACT

To permit municipal corporations to change streams and highways in the construction of water works or sewage systems.

Be it enacted by the General Assembly of the State of Ohio:

Section 3783-1. SECTION 1. When it is necessary in the construction and in the protection thereof by any municipal corporation, of wells, pumps, cisterns, aqueducts, water pipes, dams, reservoirs, reservoir sites, sewers, drains, sewage disposal or water purification plants and waterworks, for supplying water to itself and its inhabitants, or disposing of sewage,

Municipalities empowered to change streams and highways for certain purposes.

to relocate, straighten, change or cross a road or stream of water, such municipal corporation may relocate, straighten, change or cross said road or stream, but without unnecessary delay it shall place such road or stream in such condition as not to impair its usefulness.

SECTION 2. This act is hereby declared to be an emergency measure, and that the enactment is necessary for the immediate preservation of the public health, the necessity therefor lies in the fact that the public health of the cities of this state require that all municipalities should have prompt relief to prevent threatened epidemics and general unhealthfulness resulting from the continued presence of an improper water supply.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
339 G.

[Senate Bill No. 89.]

AN ACT

To authorize the governor, by and with the approval of the state board of administration, to grant and convey certain real estate in the city of Columbus, and county of Franklin, to the city of Columbus.

Be it enacted by the General Assembly of the State of Ohio:

Authority to sell certain real estate to city of Columbus.

SECTION 1. The governor, by and with the approval of the state board of administration, be and he hereby is empowered and directed to grant and convey to the city of Columbus, and its successors, the following real estate, to-wit:

Being a strip of land two (2) feet in width between parallel lines off of the north side of lot No. 16 of J. Ridgeway & Company's "Elm Square" subdivision, being a subdivision of outlots Nos. 62 and 63 of Crosby's addition of outlots to the city of Columbus, Ohio.

This act is temporary and special and does not require sectional numbering in the General Code. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 18th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
340 G.

[Senate Bill No. 293.]

AN ACT

To amend section1 of an act passed the 8th day of April, 1913, and approved the 15th day of April, 1913, entitled "An act providing a levy and to create a fund for the purposes provided in the act passed May 31st, 1911, entitled, "An act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code," approved June 9th, 1911, (102 Ohio Laws, page 333-349) and for other purposes defined herein."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act passed the 8th day of April, 1913, and approved the 15th day of April, 1913, entitled "An act providing a levy and to create a fund for the purposes provided in the act passed May 31st, 1911, entitled "An act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code", approved June 9th, 1911, (102 Ohio Laws, pages 333-349) and for other purposes defined herein", be amended to read as follows:

Section 6859-1. Sec. 1. There shall be levied annually a tax of one-half of one mill on all the taxable property within the state, to be collected as are other taxes due the state and the proceeds of which shall constitute the state highway improvement fund.

Levy for state highway improvement fund.

SECTION 2. That said original section 1 of an act passed the 8th day of April, 1913, and approved the 15th day of April, 1913, entitled "An act providing a levy to create a fund for the purposes provided in the act passed May 31st, 1911, entitled "An act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code" approved June 9th, 1911, (102 Ohio Laws, pages 333-349) and for other purposes defined herein, be and the same is hereby repealed.

Repeals.

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ovided by law.
IMOTHY S.
HOGAN,
ttorney
General.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 16th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
341 G.

[Senate Bill No. 18.]

AN ACT

A bill to amend and supplement sections 1349, 1350, 1352, 1354,, 1639, 1642 to 1648 inclusive, 1651 to 1656 inclusive, 1658 to 1662 inclusive, 1668, 1670, 1672 to 1675 inclusive, 1677, 1678, 1680, 1815-8, 2084, 2088, 2089, 2090 to 2092 inclusive, 2095, 2096, 2099, 2101 to 2103-2 inclusive, 2105, 2106, 2111 to 2119 inclusive, 2129, 2131 to 2147 inclusive, 2975, 3070, 3077, 3085, 3088 to 3093 inclusive, 3096 to 3100 inclusive, 3104, 3109, 3112, 3114, 3126, 4083, 4085 to 4088 inclusive, 4108, 4112, 7676, 7677, 7678, 7681, 7692, 7693, 7763 to 7768 inclusive, 7770, 7771, 7773, 7774, 7779, 7780, 7782, 10082, 10930, 12957, 12964, 12966 to 12968 inclusive, 12970-1, 12993 to 12999 inclusive, 13001 to 13003 inclusive, 13005, 13006 and 13018 of the General Code with the appropriate chapter headings.

To supplement sections 1352, 1648, 1652, 1660, 1683-1, 1815-11, 2089, 2119, 3108, 7692, and 13007 by the enactment of supplemental sections 1352-1, 1352-3 to 1352-5 inclusive, 1648-1, 1652-1, 1660-1, 1683-2 to 1683-9 inclusive, 1815-12, 2089-1, 2119-1, 3108-1, 3108-2, 7692-1 to 7692-4 inclusive, 13007-1 13007-14 inclusive,—to amend and reenact section 1676 as 1352-2, and section 2103-1 as 2101-1,—and to repeal sections 1654-1, 1676, 1828, 1829, 1830, 1898, 1899, 1903, 2107 to 2110 inclusive, 2547, 3101, 3102, 3122, 4109 to 4111 inclusive, 7775, 8005 to 8022 inclusive and 13004 of the General Code; relating to children and to females under twenty-one years of age and to organizations which include within their objects matters relating to children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1349, 1350, 1352, 1354, 1639, 1642 to 1648 inclusive, 1651 to 1656 inclusive, 1658 to 1662 inclusive, 1668, 1670, 1672 to 1675 inclusive, 1677, 1678, 1680, 1815-8, 1829, 2084, 2088, 2089, 2090 to 2092 inclusive, 2095, 2096, 2099, 2101 to 2103-2 inclusive, 2105, 2106, 2111 to 2119 inclusive, 2129, 2131 to 2147 inclusive, 2148-8, 2975, 3070, 3077, 3085, 3088 to 3093 inclusive, 3096 to 3100 inclusive, 3104, 3109, 3112, 3114, 3126, 4083, 4085 to 4088 inclusive, 4108, 4112, 7676, 7677, 7678, 7681, 7692, 7693, 7763 to 7768 inclusive, 7770, 7771, 7773, 7774, 7779, 7780, 7782, 10082, 10930, 12114, 12957, 12964, 12966 to 12968 inclusive, 12970-1, 12993 to 12999 inclusive, 13001 to 13003 inclusive, 13006 and 13018 of the General Code with the appropriate chapter headings be amended so as to read as herein provided, that sections 1352, 1648, 1652, 1660, 1683-1, 1815-11, 2089, 2119, 3108, 7692 and 13007 of the General Code be supplemented by the enactment of sections 1352-1, 1352-3 to 1352-5 inclusive, 1648-1, 1652-1, 1660-1, 1683-2 to 1683-9 inclusive, 1815-12, 2089-1, 2119-1, 3108-1, 3108-2, 7692-1 to 7692-4 inclusive, 13007-1 to 13007-14 inclusive, so as to read as herein provided; that section 1676 be amended and reenacted as section 1352-2, and section 2103-1 as section 2101-1, reading as herein provided:

CHAPTER 24.

BOARD OF STATE CHARITIES.

Board of state charities, appointment and term of members.

Sec. 1349. There shall be a board of state charities consisting of nine members, eight of whom shall be appointed by the governor. Of the members so appointed not more than four shall be of the same political affiliation or belief. The governor shall be ex-officio a member of the board, and each year shall appoint two members of the board, each of whom shall serve for a term of four years. A vacancy shall be filled by appointment for the unexpired term.

Meetings; rules and regulations.

Sec. 1350. The board of state charities shall be provided with suitable rooms in the state house or elsewhere in the city of Columbus, and shall hold regular meetings once each quarter and oftener if necessary. The board may make such rules and regulations for its government as it deems proper.

Duties of the board.

Sec. 1352. The board of state charities shall investigate by correspondence and inspection the system, condition and management of the public and private benevolent and correctional institutions of the state and county, and municipal jails, work-houses, infirmaries and children's homes, and all maternity hospitals or homes, lying-in hospitals, or places where women are received and cared for during parturition, as well as all institutions whether incorporated, private, or otherwise which receive and care for children. Officers in charge of such institutions or responsible for the administration of public funds used for the relief and maintenance of the poor shall furnish the board or its secretary such information as it requires. The board may prescribe such forms of report and registration as it deems necessary. For the purpose of such investigation and to carry out the provisions of this chapter it shall employ such visitors as may be necessary, who shall, in addition to other duties, investigate the care and disposition of children made by institutions for receiving children, and by all institutions including within their objects the placing of children in private homes, and, when they deem it desirable they shall visit such children in such homes, and report the result of such inspection to the board. The members of the board and such of its executive force as it shall designate may attend state and national conferences for the discussion of questions, pertinent to their duties. The actual traveling expense so incurred by the members and such of its executive force as it shall designate shall be paid as provided by section 1351 of the General Code.

Employment of visitors.

Annual examination of institutions; certificate.

Sec. 1352-1. Such board shall annually pass upon the fitness of every benevolent or correctional institution, corporation and association, public, semi-public or private as receives, or desires to receive and care for children, or places children in private homes. Annually at such times as the board shall direct, each such institution, corporation or

association, shall make a report, showing its condition, management and competency, adequately to care for such children as are, or may be committed to it or admitted therein, the system of visitation employed for children placed in private homes, and such other facts as the board requires. When the board is satisfied as to the care given such children, and that the requirements of the statutes covering the management of such institutions are being complied with, it shall issue to the association a certificate to that effect, which shall continue in force for one year, unless sooner revoked by the board. No child shall be committed by the juvenile court to an association or institution which has not such certificate unrevoked and received within fifteen months next preceding the commitment. A list of such certified institutions shall be sent by the board of state charities, at least annually, to all courts acting as juvenile courts and to all associations and institutions so approved. Any person who receives children or receives or solicits money on behalf of such an institution, corporation or association, not so certified, or whose certificate has been revoked, shall be guilty of a misdemeanor, and fined not less than $5.00 nor more than $500.00.

List of certified institutions furnished juvenile courts.

Penalty.

Sec. 1352-2. No association whose object may embrace the care of dependent, neglected or delinquent children or the placing of such children in private homes shall hereafter be incorporated unless the proposed articles of incorporation shall have been submitted first to the board of state charities. The secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of the board of state charities that it has examined the articles of incorporation, and that in its judgment the incorporators are reputable and respectable persons, and that the proposed work is needed, and the incorporation of such association is desirable and for the public good. Amendments proposed to the articles of incorporation of any such association shall be submitted in like manner to the board of state charities, and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office the certificate of the board of state charities that it has examined such amendment, that the association in question is, in its judgment, performing in good faith, the work undertaken by it, and that such amendment is, in its judgment, a proper one, and for the public good.

Certificate required before filing articles of incorporation.

Sec. 1352-3. The board of state charities shall when able to do so, receive as its wards such dependent or neglected minors as may be committed to it by the juvenile court. County, district, or semi-public children's homes or any institution entitled to receive children from the juvenile court may, with the consent of the board, transfer to it the guardianship of minor wards of such institutions. If such children have been committed to such institutions by the juvenile court that court must first consent to such transfer.

Who may be received; transfer.

The board shall thereupon ipso facto become vested

with the sole and exclusive guardianship of such child or children. The board shall, by its visitors, seek out suitable, permanent homes in private families for such wards; in each case making in advance a careful investigation of the character and fitness of such home for the purpose. Such children may then be placed in such investigated homes upon trial, or upon such contract as the board may deem to be for the best interests of the child, or proceedings may be had, as provided by law, for the adoption of the child by suitable persons. The board shall retain the guardianship of a child so placed upon trial or contract during its minority, and may at any time, if it deems it for the best interest of the child, cancel such contract and remove the child from such home. The board, by its visitors, shall visit at least twice a year all the homes in which children have been placed by it. Children from whom on account of some physical or mental defect it is impracticable to find good, free homes, may be so placed by the board upon agreement to pay reasonable board therefor not to exceed $3.50 per week, which shall be paid out of funds appropriated to the use of the board by the general assembly. When necessary any children so committed or transferred to the board may be maintained by it in a suitable place until a proper home is found.

Placing wards in suitable homes.

Guardianship retained.

So far as practicable children shall be placed in homes of the same religious belief as that held by their parents.

Sec. 1352-4. The actual traveling expenses of such child and that of the agents or visitors of said board in connection with placing such dependent or neglected child in a home and of subsequent visitation of such child, together with half the amount of board, if any, paid by said board on account of the child to the owners of such home shall be charged by the board of state charities to the county in which the child had a legal residence when received by such board. The treasurer of each county shall pay the quarterly draft of the board of state charities for the amount so chargeable against such county for the preceding quarter. The sums so received as well as payments for board as provided by sections 1352-5 and 1653 of the General Code, shall not be turned into the state treasury but shall be credited to a fund to be known as the child placing fund to be used to maintain the child placing work of the board as provided by this chapter, but such money received for children's board shall be used only to pay the board of the child for which it may be paid by the individuals liable therefor.

Expenses.

Child placing fund.

Sec. 1352-5. The board of state charities may when willing to do so, receive as its wards with all the powers given it by section 1352-3 of the General Code delinquent children committed to it by a juvenile court or from any institution to which such children may be committed by the juvenile court or assigned by the board of administration. Such children shall be placed by it in homes in accordance with the provisions of section 1352-3 of the General Code.

Delinquent children may be received.

Before making such commitment the court may make an order that the parent or parents of such child shall pay the board of state charities, periodically, reasonable sums for the maintenance of such child, which orders, upon the disobedience thereof, may be enforced by attachment as for contempt. The money so obtained shall be used for payment of such child's board and maintenance. If originally committed to such institution by the juvenile court, that court must first consent to the transfer of such child to the board of state charities. Said court may in such cases make an order that the parents or guardian pay for its maintenance in the same manner as if such child had been originally committed to said board.

Board and maintenance.

Provided that if the board of state charities find it impracticable to so place such child, it shall at its discretion have the right to surrender such child to the court, institution, or board of administration from which it was received.

Governor may order investigation.

Sec. 1354. The governor, at any time, may order the board of state charities, or a committee of two members thereof, to investigate the management of a benevolent or correctional institution of the state. In making such investigation the board, or its committee, shall have such authority as is conferred upon officers authorized to take depositions, to send for persons and papers, to administer oaths, and to punish as for contempt a person, who, being duly summoned by it, refuses to appear or produce papers. A report of an investigation with the testimony taken therein, shall be made to the governor, and by him it may be submitted to the general assembly with such suggestions as he deems proper.

CHAPTER 8.

JUVENILE COURT.

What courts shall have powers and jurisdiction.

Sec. 1639. Courts of common pleas, probate courts, and insolvency courts and superior courts, where established, shall have and exercise, concurrently, the powers and jurisdiction conferred in this chapter. The judge of such courts in each county, at such times as they determine, shall designate one of their number to transact the business arising under such jurisdiction. When the term of the judge so designated expires, or his office terminates, another designation shall be made in like manner. The words "juvenile court" when used in the statutes of Ohio shall be understood as meaning the court in which the judge so designated may be sitting while exercising such jurisdiction, and the words "judge of the juvenile court" or "juvenile judge" as meaning such judge while exercising such jurisdiction.

"Juvenile Court" defined.

Sec. 1642. Such courts of common pleas, probate courts, insolvency courts and superior courts within the

provisions of this chapter shall have jurisdiction over and with respect to delinquent, neglected and dependent minors, under the age of eighteen years, not inmates of a state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent neglected and dependent children, and their parents, guardians, or any person, persons, corporation or agent of a corporation, responsible for, or guilty of causing encouraging, aiding, abetting or contributing toward the delinquency, neglect or dependency of such minor, and such courts shall have jurisdiction to hear and determine any charge or prosecution against any person, persons, corporations, or their agents, for the commission of any misdemeanor involving the care, protection, education or comfort of any such minor under the age of eighteen years. Jurisdiction.

Sec. 1643. When a child under the age of eighteen years comes into the custody of the court under the provisions of this chapter, such child shall continue for all necessary purposes of discipline and protection, a ward of the court, until he or she attain the age of twenty-one years. The power of the court over such child shall continue until the child attains such age. When jurisdiction terminates.

Sec. 1644. For the purpose of this chapter, the words "delinquent child" includes any child under eighteen years of age who violates a law of this state or a city, or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits a policy shop or place where any gambling device is, or shall be, operated; or who patronizes or visits a saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits a public pool or billiard room or bucket shop; or who wanders about the streets in the night time; or who wanders about railroad yards or tracks, or jumps or catches on to a moving train, traction or street car, or enters a car or engine without lawful authority, or who uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct; or who uses cigarettes; or who visits or frequents any theater, gallery, penny arcade or moving picture show where lewd, vulgar or indecent pictures are exhibited or displayed; or who is an habitual truant, or who uses any injurious or narcotic drug. A child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and be proceeded against in the manner hereinafter provided. "Delinquent child" defined.

Sec. 1645. For the purpose of this chapter, the words "dependent child" shall mean any child under eighteen years of age who is dependent upon the public for support; or who is destitute, homeless or abandoned; or who has not proper parental care or guardianship; or who begs or receives alms; or who is found living in a house of ill fame, or with any vicious or disreputable persons or whose home, by reason of neglect, cruelty or depravity on the part of its "Dependent child" defined.

parents, step parents, guardians or other person in whose care it may be, is an unfit place for such child; or whose environment is such as to warrant the state, in the interest of the child, in assuming its guardianship.

"Proper parental care" defined.

Sec. 1646. A child within the provisions of this chapter whose parents, step parents or guardian permits it to use or become addicted to the use of tobacco, or intoxicating liquors as a beverage and not for medicinal purposes, or any injurious or narcotic drug, or whose parents or guardian rears, keeps or permits it in or about a saloon or place where intoxicating liquors are sold, or a gambling house or place where gambling is practiced or carried on, or a house of ill fame, or ill repute, shall be deemed to be without proper parental care or guardianship. The word "child" or "children" may mean one or more children and includes males and females. The word "parent" may mean one or both parents or step parents when consistent with the intent of this chapter. The word "minor" means child.

Who may file complaint.

Sec. 1647. Any person having knowledge of a minor under the age of eighteen years who appears to be either a delinquent, neglected or dependent child, may file with such juvenile court a complaint, sworn to, which may be upon information and belief, and for that purpose such complaint shall be sufficiently definite by using the word delinquent, or dependent, as the facts may be.

Citation, warrant, contempt.

Sec. 1648. Upon filing of the complaint, a citation shall issue, requiring such minor to appear, and the parents or guardian or other person, if any, having custody or control of the child or with whom it may be, to appear with the minor at a time and place to be stated in the citation; or the judge may in the first instance, issue a warrant for the arrest of such minor or for any person named in the complaint and charged therein with having abused or abandoned, or charged therein with neglect of or being responsible for or having encouraged, aided or abetted the delinquency or dependency of such child, or having acted in a way tending to cause delinquency in such child. A parent, step parent, guardian or other person not cited may be subpoenaed to appear and testify at the hearing. Any one cited or subpoenaed to appear who fails to do so, may be punished as in other cases in the common pleas court for contempt of court. Whenever it shall appear from affidavit that a parent or guardian or other person having the custody of such child resides or has gone out of the state or that his or her place of residence is unknown so that such citation cannot be served on him or her, the clerk shall cause such citation to be published once in a newspaper of general circulation throughout the county, and published in the county, if there be one so published. The citation shall state the nature of the complaint, and the time and place of the hearing, which shall be held at least two weeks later than the date of the publication; and a copy of such citation shall be sent by mail to the last known address of such parent, guardian or other person

having custody of such child, unless said affidavit, shows that a reasonable effort has been made without success to ascertain such address. The certificate of the clerk that such publication has been made or such citation mailed shall be sufficient evidence thereof. Until the time for the hearing arrives, the court shall make such temporary disposition of such child as it may deem best. When said period of two weeks from the time of publication shall have elapsed, said court shall have full jurisdiction to deal with such child as provided by this chapter. When a person charged with violating a provision of this chapter shall have fled from justice in this state, such judge shall have all the powers of a magistrate under the laws of this state relating to fugitives from justice.

Sec. 1648-1. In any case where a child under the age of eighteen years is arrested with or without a warrant, in order to avoid the incarceration of such child, if practicable, the officer so arresting, unless otherwise ordered by the court, shall accept the written promise of the parent, guardian or other person with whom such child resides, or any other reputable person, to be responsible for the presence of said child in the proper court at the time and place when such child is to appear, and at any other time to which the hearing in the case may be continued or adjourned by the court. Nothing herein contained shall be construed to prevent the admitting of such child to bail, in accordance with the general provisions of the crimes act.

Provision to avoid incarceration.

Sec. 1651. Any person charged with violating any of the provisions of this chapter or being responsible for or with causing, aiding or contributing to the delinquency, dependency or neglect of a child, or with acting in a way tending to cause delinquency in a child, arrested or cited to appear before such court, at any time before hearing, may demand a trial by jury, or the judge upon his own motion may call a jury. The statutes relating to the drawing and impaneling of jurors in criminal cases in the court of common pleas, other than in capital cases, shall apply to such jury trial. The compensation of jurors and costs of the clerk and sheriff shall be taxed and paid as in criminal cases in the court of common pleas.

Jury trial; costs.

Sec. 1652. In case of a delinquent child the judge may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow such child to remain at its own home, subject to the visitation of the probation officer or otherwise, as the court may direct, and subject to be returned to the judge for further or other proceedings whenever such action may appear to be necessary; or the judge may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer, and the further order of the judge, or he may authorize the child to be boarded in some suitable family home in case provision be made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be

Commitment.

made for it in a home without such payment; or the judge may commit such child, if a boy, to a training school for boys, or, if a girl, to an industrial school for girls, or commit the child to any institution within the county that may care for delinquent children, or be provided by a city or county suitable for the care of such children. In no case shall a child, committed to such institutions, be confined under such commitment after attaining the age of twenty-one years; or the judge may commit the child to the care and custody of an association that will receive it, embracing in its objects, the care of neglected or dependent children, if duly approved by the board of state charities, as provided by law. Where it appears at the hearing of a male delinquent child, that he is 16 years of age, or over, and has committed a felony, the juvenile court may commit such child to the Ohio state reformatory.

Examination by competent physician.

Sec. 1652-1. Every child coming within the provisions of this chapter, and by virtue of its provisions is committed to any institution, may be subjected to a physical and mental examination by a competent physician, or physicians, to be appointed by the juvenile court, and the physician so appointed shall certify the condition in which he finds such child, a copy of which certificate shall be sent to the institution, or person to whom it is committed. The boys' industrial school, the girls' industrial school and other penal institutions of the state shall provide separate quarters for any such child so certified as having a contagious or infectious disease.. The juvenile court shall tax as part of the costs, a reasonable fee for such examination.

Commitment to institution or suitable person.

Sec. 1653. When a minor under the age of eighteen years, or any ward of the court under this chapter, is found to be dependent or neglected, the judge may make an order commiting such child to the care of the children's home if there be one in the county where such court is held, if not, to such a home in another county, if willing to receive such child, for which the county commissioners of the county in which it has a settlement, shall pay reasonable board; or he may commit such child to the board of state charities or to some suitable state or county institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, which embraces within its objects the purposes of caring for or obtaining homes for dependent, neglected or delinquent children or any of them, and which has been approved by the board of state charities as provided by law. When the health or condition of the child shall require it, the judge may cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge. The court may make an examination regarding the income of the parents or guardian of a minor committed as provided by this section and may then order that such parent or guardian pay the institution or

board to which the minor has been committed reasonable board for such minor, which order, if disobeyed, may be enforced by attachment as for contempt.

Sec. 1653-1. The provisions of section 1652 shall not apply to the girls' industrial school or the boys' industrial school, so far as the same allows the commitment of a child under ten years or over eighteen years of age to such institution. In no case shall a child found to be a dependent or neglected child be committed to such institution, nor shall any child under ten years or over eighteen years of age, be committed to such schools except as provided in section 2111 of the General Code.

Age limitations.

Sec. 1654. Whoever abuses a child or aids, abets, induces, causes, encourages or contributes toward the dependency, neglect or delinquency, as herein defined, of a minor under the age of eighteen years, or acts in a way tending to cause delinquency in such minor, shall be fined not less than ten dollars, nor more than one thousand dollars or imprisoned not less than ten days nor more than one year, or both. Each day of such contribution to such dependency, neglect or delinquency, shall be deemed a separate offense. If in his judgment it is for the best interest of a delinquent minor, under the age of eighteen years, the judge may impose a fine upon such delinquent not exceeding ten dollars, and he may order such person to stand committed until fine and costs are paid.

Penalty for abuse or aiding and abetting delinquency.

Sec. 1655. Whoever is charged by law with the care, support, maintenance or education of a minor under the age of eighteen years, and is able to support or contribute toward the support or education of such minor, fails, neglects, or refuses so to do, or who abandons such minor, or who unlawfully beats, injures, or otherwise ill treats such minor, or causes or allows him or her to engage in common begging, upon complaint filed in the juvenile court, as provided in this chapter, shall be fined not less than ten dollars, nor more than five hundred dollars, or imprisoned not less than ten days nor more than one year, or both. Such neglect, non-support, or abandonment shall be deemed to have been committed in the county in which such minor may be at the time of such neglect, non-support, or abandonment. Each day of such failure, neglect, or refusal shall constitute a separate offense, and the judge may order that such person stand committed until such fines and costs are paid.

Failure or neglect to support; penalty.

Sec. 1656. When a person is convicted and sentenced under this chapter for the abandonment of, or for the neglect of, or failure to maintain or support a minor, to imprisonment in a workhouse, the county from which such prisoner is so sentenced, shall pay from the general revenue fund fifty cents, for each day such prisoner is so confined, to the chief probation officer of such county, to be by him expended, under the direction of the judge, for the maintenance of the dependent minors of such prisoner, of which

Provisions in case of workhouse sentence.

expenditure such officer shall make monthly reports to the judge. The county commissioners of such county shall make the allowances herein provided for, which shall be paid by the county treasurer from the county treasury upon the warrant of the county auditor in favor of such probation officer.

Citation or arrest ordered after hearing.

Sec. 1658. If it appear upon the hearing that any person not cited to appear, has probably abused or has aided, induced, caused, encouraged, or contributed to the dependency, neglect or delinquency of a minor under the age of eighteen years, or acted in a way tending to cause delinquency in such minor, or that a person, charged by law, with the care, support, education and maintenance of any minor, has abandoned, failed, refused, or neglected, being able to do so, to support, or sufficiently contribute toward the support, education and maintenance of such minor, the judge may order such person to be cited to appear at a subsequent day, or may issue a warrant to arrest such person as hereinbefore provided, and upon citation, warrant and hearing the same proceedings may be had as in the first instance.

Sec. 1659. When a minor under the age of eighteen years is arrested, such child, instead of being taken before a justice of the peace or police judge, shall be taken directly before such juvenile judge; or, if the child is taken before a justice of the peace or a judge of the police court, it shall be the duty of such justice of the peace or such judge of the police court, to transfer the case to the judge exercising the jurisdiction herein provided. The officers having such child in charge shall take it before such judge, who shall proceed to hear and dispose of the case in the same manner as if the child had been brought before the judge in the first instance.

Transfer of case to juvenile court.

Writs, to whom issued.

Sec. 1660. The summons, warrants, citations, subpoenas and other writs of such judge may issue to a probation officer of any such court or to the sheriff of any county, and the provisions of law relating to the subpoenaing of witnesses in criminal cases shall apply in so far as they are applicable.

Expense; how paid.

Sec. 1661. When a summons or warrant is issued to any such officer, the expense in pursuing and bringing the person named therein, before such judge, shall be paid by the county in the manner prescribed by law for the payment of deputies, assistants and other employes of county officers.

Probation officers; appointment, compensation.

Sec. 1662. The judge designated to exercise jurisdiction may appoint one or more discreet persons of good moral character, one or more of whom may be women, to serve as probation officers, during the pleasure of the judge. One of such officers shall be known as chief probation officer and there may be first, second and third assistants. Such chief probation officer and the first, second and third assistants, shall receive such compensation as the judge appointing them may designate at the time of the appointment, but the compensation of the chief probation officer

shall not exceed twenty-five hundred dollars per annum, that of the first assistant shall not exceed twelve hundred dollars per annum, and of the second and third shall not exceed one thousand dollars per annum, each payable monthly. The judge may appoint other probation officers, with or without compensation, but the entire compensation of all probation officers in any county shall not exceed the sum of forty dollars for each full thousand inhabitants of the county at the last preceding federal census. The compensation of the probation officers shall be paid by the county treasurer from the county treasury upon the warrant of the county auditor, which shall be issued upon itemized vouchers sworn to by the probation officers and certified to by the judge of the juvenile court. The county auditor shall issue his warrant upon the treasury and the treasurer shall honor and pay the same, for all salaries, compensation and expenses provided for in this act, in the order in which proper vouchers therefor are presented to him.

Error proceedings.

Sec. 1668. The provisions of the law relating to error proceedings from the court of common pleas, including the allowance and signing of bills of exceptions shall apply to prosecutions of persons over eighteen years of age under this chapter, and from the judgment of a judge of the court of common pleas in such prosecutions error may be prosecuted to the circuit court of the county under laws governing prosecution of proceedings in error in other criminal cases to such circuit court; and from the judgment of a judge of the probate court in such prosecution, error may be prosecuted to the common pleas court of the county under the laws governing prosecution of proceedings in error from the probate court to the court of common pleas. A petition in error shall not be filed either in the circuit court or court of common pleas except upon good cause shown, upon motion and notice to the prosecuting attorney, as in civil cases, or unless such motion is allowed by such courts.

Detention home, how established and conducted.

Sec. 1670. Upon the advice and recommendation of the judge exercising the jurisdiction provided herein, the county commissioners shall provide by purchase or lease, a place to be known as a "detention home" within a convenient distance of the court house, not used for the confinement of adult persons charged with criminal offenses, where delinquent, dependent or neglected minors under the age of eighteen years may be detained until final disposition, which place shall be maintained by the county as in other like cases. In counties having a population in excess of forty thousand, the judge may appoint a superintendent and matron who shall have charge of said home, and of the delinquent, dependent and neglected minors detained therein. Such superintendent and matron shall be suitable and discreet persons, qualified as teachers of children. Such home shall be furnished in a comfortable manner as nearly as may be as a family home. So far as possible delinquent children shall be kept separate from dependent children in such home. The compensation of

the superintendent and matron shall be fixed by the county commissioners. Such compensation and the expense of maintaining the home shall be paid from the county treasury upon the warrant of the county auditor, which shall be issued upon the itemized voucher, sworn to by the superintendent and certified by the judge. In all such homes the sexes shall be kept separate, so far as practicable.

When child becomes a ward.

Sec. 1672. If the court awards a child to the care of an association, corporation or individual, in accordance with these provisions, unless otherwise ordered, the child shall become a ward, and be subject to the guardianship of such association, corporation or individual. Such association, corporation or individual may place such child in a family home and shall be made party to any proceedings for the legal adoption of the child, and if the court when making such award so orders, may appear in any court where such proceedings are pending, and assent to such adoption. Such assent shall be sufficient to authorize the judge to enter the proper order or decree of adoption, and upon such order being made, all jurisdiction of the juvenile court over such child under section 1643 of the General Code, shall cease and determine. Such guardianship shall not include the guardianship of any estate of the child.

Agreement with incorporated institution for care of child.

Sec. 1673. The parents, parent, guardian or other person or persons having the right to dispose of a dependent or neglected child may enter into an agreement with any association or institution, incorporated under any law of this state which has been approved by the board of state charities as provided by law, for the purpose of aiding, caring for or placing in homes such children, or for the surrender of such child to such association or institution, to be taken and cared for by such association or institution, or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, to appear in any proceeding, for the legal adoption of such child, and consent to its adoption. The order of the judge made upon such consent shall be binding upon the child and its parents, guardian or other person, as if such persons were personally in court and consented thereto, whether made party to the proceeding or not.

Agent of certain institutions; duties of.

Sec. 1674. The chief officer of the boys' industrial school, and of the girls' industrial school, and the manager of any other institution to which juvenile delinquents may be committed, shall, each, maintain agents of such institution, who shall examine the homes of children paroled for the purpose of reporting to such chief officer or manager, whether they are suitable homes, and assist children paroled or discharged from such institution in finding suitable employment, and maintain a friendly supervision over paroled inmates. Such agents shall hold office subject to the pleasure of the chief officer or manager making the appointment

and shall receive such compensation as the Ohio board of administration may determine. Compensation.

Sec. 1675. At any time the judge may require from an association receiving or desiring so to receive children, such reports, information and statements as he deems proper and necessary. He may at any time require from an association or institution, reports, information or statements concerning any child or children committed to it by him, under the provisions of this chapter. Judge may require report from institution.

Sec. 1677. No association of another state, incorporated or otherwise, shall place a child in a family home within the boundaries of this state, either with or without indenture or for adoption, unless such association shall have furnished the board of state charities with such guaranty as it may require that no child having a contagious disease, deformity, feeble mind or vicious character, shall be brought into this state by such association or its agents, and that such association will promptly receive and remove from the state, a child brought into the state by its agents, which shall become a public charge, within the period of five years thereafter. Associations of other states.

Sec. 1678. Whoever violates any of the provisions of section 1677 shall be imprisoned in the county jail not more than thirty days, or fined not less than five dollars or more than one hundred dollars, or both, in the discretion of the judge. Penalty.

Sec. 1680. Nothing herein shall be construed to repeal any provision of law relating to the boys' industrial school or the girls' industrial school. How chapter construed as to industrial schools.

Sec. 1683-2. For the partial support of women whose husbands are dead, or become permanently disabled for work by reasons of physical or mental infirmity, or whose husbands are prisoners or whose husbands have deserted, and such desertion has continued for a period of three years, when such women are poor, and are the mothers of children not entitled to receive an age and schooling certificate, and such mothers and children have been legal residents in any county of the state for two years, the juvenile court may make an allowance to each of such women, as follows. Not to exceed fifteen dollars a month, when she has but one child not entitled to an age and schooling certificate, and if she has more than one child not entitled to an age and schooling certificate, it shall not exceed fifteen dollars a month for the first child and seven dollars a month for each of the other children not entitled to an age and schooling certificate. The order making such allowance shall not be effective for a longer period than six months, but upon the expiration of such period, said court may from time to time, extend such allowance for a period of six months, or less. Such homes shall be visited from time to time by a probation officer, agent of an associated charities organization, a humane society, or such other agents as the court may direct, provided that the person who actually Mothers' pension, who entitled to. Visitation of homes and report.

makes such visits shall be thoroughly trained in charitable relief work, and the report or reports of such visiting agent shall be considered by the court in making such order.

Conditions of allowance.

Sec. 1683-3. Such allowance may be made by the juvenile court, only upon the following conditions: First—the child or children for whose benefit the allowance is made, must be living with the mother of such child or children; Second—the allowance shall be made only when in the absence of such allowance, the mother would be required to work regularly away from her home and children, and when by means of such allowance she will be able to remain at home with her children, except that she may be absent for work for such time as the court deems advisable; Third—the mother must, in the judgment of the juvenile court, be a proper person, morally, physically and mentally, for the bringing up of her children; Fourth—such allowance shall in the judgment of the court be necessary to save the child or children from neglect and to avoid the breaking up of the home of such woman; Fifth— it must appear to be for the benefit of the child to remain with such mother; Sixth —a careful preliminary examination of the home of such mother must first have been made by the probation officer, an associated charities organization, humane society, or such other competent person or agency as the court may direct, and a written report of such examination filed.

When allowance shall cease.

Sec. 1683-4. Whenever any child shall reach the age for legal employment, any allowance made to the mother of such child for the benefit of such child shall cease. The juvenile court may, in its discretion, at any time before such child reaches such age, discontinue or modify the allowance to any mother and for any child.

Disposal of fund when amount insufficient.

Sec. 1683-5. Should the fund at the disposal of the court for this purpose be sufficient to permit an allowance to only part of the persons coming within the provisions of this act, the juvenile court shall select those cases in most urgent need of such allowance.

To whom act does not apply.

Sec. 1683-6. The provisions of this act shall not apply to any woman who, while her husband is imprisoned receives sufficient of his wages to support the child or children.

Attempt to obtain allowance by fraud; penalty.

Sec. 1683-7. Any person or persons fraudulently attempting to obtain any allowance for a person not entitled thereto, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than five nor more than fifty dollars, or imprisoned in the county jail, for a period of not less than two months, or both.

Record of proceedings.

Sec. 1683-8. In each case where an allowance is made to any woman under the provisions of this act, a record shall be kept of the proceedings, and any citizen of the county may, at any time, file a motion to set aside, or vacate or modify such judgment and on such motion said juvenile court shall hear evidence, and may make a new order sus-

taining the former allowance, modify or vacate the same, and from such order, error may be prosecuted, or an appeal may be taken as in civil actions. If the judgment be not appealed from, or error prosecuted, or if appealed or error prosecuted, and the judgment of the juvenile court be sustained or affirmed, the person filing such motion shall pay all the costs incident to the hearing of such motion.

Appeal; error.

Sec. 1683-9. It is hereby made the duty of the county commissioners to provide out of the money in the county treasury such sum each year thereafter as will meet the requirements of the court in these proceedings. To provide the same they shall levy a tax not to exceed one-tenth of a mill on the dollar valuation of the taxable property of the county. Such levy shall be subject to all the limitations provided by law upon the aggregate amount, rate, maximum rate and combined maximum rate of taxation. The county auditor shall issue a warrant upon the county treasurer for the payment of such allowance as may be ordered by the juvenile judge.

Tax levy.

CHAPTER 3.

INSTITUTION FOR FEEBLE MINDED YOUTH.

Sec. 1815-8. In order to facilitate the investigation of the financial condition of the inmates in such state institutions, and of persons liable for their support, the board of state charities may employ assistant agents not to exceed five in number, who shall receive an annual salary of not more than fifteen hundred dollars, and necessary expenses.

Assistant agents; salary.

Sec. 1815-12. The county from which an inmate of the institution for feeble minded was committed shall be liable for such inmate's support provided the same is not paid otherwise as provided by this act. The treasurer of each county shall pay the semi-annual draft of the cashier of the board of state charities for the aggregate amount chargeable against such county for the preceding six months for all inmates therefrom not otherwise supported.

County liability for support.

BOY'S INDUSTRIAL SCHOOL.

Sec. 2084. Male youth, not over eighteen nor under ten years of age, may be committed to the boys' industrial school in the manner provided by law on conviction of an offense against the laws of the state.

Admission of youths to school.

Sec. 2088. The superintendent shall have the same power to apprentice inmates as the directors of houses of refuge. In case of apprenticeship, the indentures shall be filed at the institution, and no other record thereof is necessary. When he deems it for the benefit of a youth so apprenticed, the superintendent may cancel the indentures and reclaim him.

Superintendent may apprentice inmates.

Sec. 2089. The superintendent may employ a record officer who shall keep a record containing the names and

Record officer; appointment and duties.

residences of all boys who have been inmates of the school, have been placed in private homes or discharged from the school as reformed. Such officer by correspondence and travel shall observe and ascertain the conduct of, and, if possible, keep in communication with, such boys after leaving the school, assist them to obtain and keep employment, and aid them by counsel and encouragement in leading sober and industrious lives.

Chaplain.

Sec. 2089-1. The superintendent shall appoint a chaplain who shall perform the ordinary duties of such office and such other duties as may be prescribed by the superintendent.

Statistics.

Sec. 2090. By observation and inquiry the record officer shall also collect social statistics bearing on the home environment of the inmates, seek homes and employment for such inmates as are entitled to release but are detained because of being orphans or homeless. Such officer shall keep and submit from time to time to the board a record of his proceedings. The term of his employment shall be subject to the discretion of the superintendent.

Parole of inmates.

Sec. 2091. The board shall establish rules and regulations under which inmates may be allowed to go upon parole, in legal custody and under the control of the superintendent, and subject at any time, for violation of any of the conditions of his parole to be taken to the school. No inmate shall be paroled except upon the written recommendation of the superintendent, and not then unless the board finds that there is reasonable ground to believe that he will obey the law and the conditions of his parole, while at liberty, and that his parole is not incompatible with the welfare of society.

Paroled inmates may be retaken.

Sec. 2092. The superintendent shall enforce such rules and regulations, and retake any inmate so upon parole. The written order certified by the superintendent shall be sufficient warrant for any officer named therein to arrest and return such inmate to the school. An officer named in the order shall be under duty to arrest and return to the school any paroled inmate named therein.

Power of board as to juvenile offenders.

Sec. 2095. The board may cause any juvenile offender, confined in the penitentiary, or a house of refuge, or sentenced to the penitentiary, to be transferred to the boys' industrial school, the expense of which shall be paid by the state. While at such school, a person so removed or sentenced to the penitentiary, shall be governed by the same rules and regulations relative to deportment and discharge as other persons committed to such institutions. The board may also remand or transfer to the penitentiary offenders sentenced thereto, and so transferred, to serve out that part of their respective sentences remaining unexecuted at the time of such transfer.

Transfer of inmates to Ohio state reformatory.

Sec. 2096. Upon the written application of the superintendent of the school the board may transfer to the Ohio state reformatory any inmate of the school, who at the time of transfer is more than sixteen years of age. A person so

transferred shall be received by the superintendent of the reformatory, and be governed by its rules and regulations as if he had been committed thereto upon his conviction.

Superintendent may sell power; proceeds.

Sec. 2099. The superintendent of the school by contract may sell power from the power plant in the institution, and the proceeds therefrom may be used for the purposes of the institution.

GIRLS' INDUSTRIAL SCHOOL.

Object of the school.

Sec. 2101. The girls' industrial school shall be for the instruction, employment and reformation of evil-disposed, incorrigible, and vicious girls.

Appointment of chief matron.

Sec. 2101-1. The Ohio board of administration shall appoint a chief matron who shall perform such duties as may be assigned to her by the Ohio board of administration relative to said institution.

Duties.

Sec. 2102. The chief matron shall direct the general management of the farm, relating to its mechanical, architectural and horticultural productions, and for this purpose may employ suitable persons to superintend the different producing interests prosecuted thereon. The chief matron shall cause the accounts of the institution to be so kept that the profits over the expenses of maintaining the school can be ascertained. When so ascertained, the chief matron shall fund such annual profits for distribution among the girls, in shares, to be paid them pro rata, when honorably discharged from the institution. She shall also see that the productions not needed by the institution are sold to the best advantage. The value of all productions, used or sold, shall be duly accounted for in the annual report.

General charge of girls.

Sec. 2103. With such subordinate officers as the chief matron shall appoint, the chief matron shall have the general charge and custody of the girls. She shall be a constant resident at the school, and under the direction of the Ohio board of administration, shall discipline govern, instruct, employ, and use her best endeavors to reform the girls in such manner as, while preserving their health, and promoting the proper development of their physical system, will secure, as far as possible, the formation of moral and industrial habits, and regular thorough progress and improvement in their studies, trades and employments.

Woman physician for school.

Sec. 2103-2. Subject to the approval of the board, the chief matron of the girls' industrial school shall appoint a capable and experienced woman physician who shall reside at the school. She shall give the necessary medical attention to the inmates and also have charge of their instruction in physiology, hygiene and physical culture. The board shall fix the salary which shall not be less than twelve hundred nor more than eighteen hundred dollars per year.

Further duties of matron.

Sec. 2105. The chief matron shall have charge of the property pertaining to the school, within the precincts thereof, and in suitable books keep complete accounts of her re-

ceipts and expenditures, and of all property entrusted to her, showing the income and expenses of the institution. She also must account to the treasurer in such manner as the board requires, for all moneys received by her. Her books, accounts and documents, relating to the school, shall at all times be open to the inspection of the board. She shall keep a card system containing the names and age of each girl, and, as far as possible, the circumstances connected with her history prior to the time of admission to the school, and add thereto such facts as come to her knowledge relating to her history while at the institution, and after leaving it.

Technical industrial school.

Sec. 2106. In addition to the school for instruction, the board shall institute and maintain, at such school a technical industrial school in which the inmates shall be taught the various lines of manual skill of such character as to prepare them to perform the skilled labor required to fit them for self-support when released therefrom. Such school shall be maintained at least ten months each year, and be under the direction and management of a competent principal and a trained corps of teachers. The principal must be a graduate of Pratt's institute or some technical and industrial school, or college, of equal rank and standing, and be versed in the principles of manual, industrial and technical training.

Board may transfer female convict to the school.

Sec. 2111. A girl under the age of eighteen years sentenced to imprisonment in the penitentiary, county jail or other penal institution, at any time after such sentence and before the expiration thereof, may be transferred to the girls' industrial school, on the written order of the Ohio board of administration, to serve the unexpired part of the sentence. Such transfer shall be made, if it shall be made to appear that it will be conducive to her reformation, and not prejudicial to the school. The chief matron of the school shall receive such girl so transferred, and if she finds at any time that the best interest of the school requires a return of such girl to the penal institution from which she came, she may so recommend to the board, which is empowered to order the return of such girl.

Detention and discharge.

Sec. 2112. A girl, duly committed to the school shall be kept there, disciplined, instructed, employed and governed under the direction of the board, until she is either thought to be reformed or discharged, or bound out by the chief matron according to the by-laws of the institution, or has attained the age of twenty-one years. Provided that the board may discharge a girl as a reward of merit three months before she attains the age of twenty-one years. With the approval of the governor, after a full statement of the cause, the board may discharge and return to the parents, guardian, or juvenile court of the county from which she was committed, who may place her under the care of the infirmary superintendent of the county, any girl whom the board thinks ought to be removed from the school. In such case it shall enter upon its record the reason for her dis-

charge, a copy of which, signed by the secretary, shall be forthwith transmitted to the juvenile court of the county from which the girl was committed.

Paroles.

Sec. 2112-1. That the Ohio board of administration shall establish rules and regulations under which the inmates of the girls' industrial school may be conditionally released upon parole in legal custody and under the control of the chief matron and be subject at any time to be returned to the institution. No inmate shall be paroled except upon the written recommendation of the chief matron, or a member of the board, nor unless the board is of the opinion that there is reasonable ground to believe that she will conduct herself in a lawful and proper manner while at liberty, and that her parole will not be incompatible with the welfare of society.

Return of inmate.

Sec. 2112-2. The chief matron shall enforce such rules and regulations and return any inmate so on parole. Her written order shall be sufficient warrant for any officer to arrest and return such inmate to the school. It shall be the duty of any officer to arrest and return to the girls' industrial school any paroled inmate upon such order of the chief matron.

Parole officers.

Sec. 2112-3. To carry out the purposes of this act the chief matron, with the consent of the board, shall appoint not less than four discreet women, who shall be under the direction and control of the chief matron, to act as parole officers. Their salaries and expenses shall be paid as provided in section 2215 of the General Code. It shall be their duty to seek homes and employment for inmates who may be paroled, and to exercise a kindly supervision while upon parole. They shall also investigate the qualifications and ability of parents and other persons who seek to receive paroled or discharged inmates into their homes.

Deposit of one-third of earnings.

Sec. 2112-4. When an inmate of the girls' industrial school is paroled or indentured under contract of employment, it shall be lawful for the board to require that not more than one-third of the consideration named in the contract of employment shall be paid monthly to the chief matron, and by her deposited in a savings bank, to be held in trust for such inmate, and with any interest thereon to be paid to her upon final discharge.

Return after discharge.

Sec. 2113. When the best interest demands it, with the approval of the full board, the chief matron may receive back into the school any girl under twenty-one years of age, who has been discharged therefrom.

Return after escape.

Sec. 2114. An inmate of the girls' industrial school who escapes therefrom, if captured before the expiration of the time for which she was committed, may be returned to the school by the chief matron and at her option, there be kept for a period not to exceed one year in addition to the time for which she was committed.

Proceedings when girl under eighteen.

Sec. 2115. When a girl between nine and eighteen years of age is brought before a court of criminal jurisdiction, charged with an offense, punishable by a fine or im-

prisonment other than imprisonment for life and who, if found guilty, would be a proper subject for commitment to the school, the court, by warrant or order, shall cause her forthwith to be taken before the judge of the juvenile court of the proper county, and shall transmit to him the complaint, indictment, or warrant, by virtue of which she was arrested. Such judge of the juvenile court shall proceed in the same manner as if she had been brought before him upon original complaint.

Girls may be apprenticed.

Sec. 2116. The chief matron may bind out, as an apprentice or servant, any girl committed to her charge, for a term not longer than until she arrives at the age of twenty-one years. The person to whom the girl is bound, by the terms of the indenture, shall be required to report to the chief matron as often as once each month, her conduct and behavior, and whether she is living under his care, and, if not, where she is.

Transfer of indenture not permitted.

Sec. 2117. A person receiving an apprentice under the provisions of the preceding section shall not assign or transfer the indenture of apprenticeship, nor let out her service without the consent in writing of the chief matron. If the person, for any cause, desires to be relieved from the contract, the chief matron, upon application, may cancel the indenture and resume the charge and management of the girl, with the same authority over her as before the indenture was made.

Ill-treatment of indentured.

Sec. 2118. If such person is guilty of cruelty or ill-treatment toward the girl so bound to service, or of any violation of the terms of the indenture, she or the chief matron may make complaint to the juvenile judge of the proper county, who shall summon the parties before him, and examine into the complaint. If it appears to be well founded, by certificate he shall discharge her from all obligation of future service, and restore her to the school.

Chief matron shall be guardian.

Sec. 2119. The chief matron shall be the guardian of each girl so bound or held to service, shall take care that the terms of the contract are faithfully fulfilled, that she is properly treated, and shall cause any grievance to be redressed.

Penalty for influencing girl to leave home.

Sec. 2119-1. Whoever by letter or otherwise, influences or attempts to influence any girl while on parole from the girls' industrial school to leave her home or place of employment or to violate any of the conditions of her parole, shall upon conviction be fined not less than ten dollars ($10.00) and not more than five hundred dollars ($500.00), or imprisoned for not more than one year, or both.

OHIO STATE REFORMATORY.

Appointment, duties and salary of chaplain.

Sec. 2129. The superintendent shall appoint a chaplain, who shall perform the ordinary duties of such office and such other duties as are prescribed by the board. In connection with the superintendent, he shall make special observation and reports of the conduct, moral character

and standing of the prisoners, and their eligibility for parole. He shall receive a salary to be fixed by the Ohio board of administration, and the superintendent shall assign him suitable rooms in the reformatory and necessary furniture, fuel and provisions for himself and family. He shall devote his entire time to the duties of his office.

Who may be sentenced to reformatory.

Sec. 2131. The superintendent shall receive all male criminals between the ages of sixteen and thirty years sentenced to the reformatory, if they are not known to have been previously sentenced to a state prison. Male persons between the ages of sixteen and twenty-one years convicted of felony shall be sentenced to the reformatory instead of the penitentiary. Such persons between the ages of twenty-one and thirty years may be sentenced to the reformatory if the court passing sentence deems them amenable to reformatory methods. No person convicted of murder in the first or second degree shall be sentenced or transferred to the reformatory.

Sentences must be general.

Sec. 2132. Courts imposing sentences to the Ohio state reformatory shall make them general, and not fixed or limited in their duration. The term of imprisonment of prisoners shall be terminated by the Ohio board of administration, as authorized by this chapter, but the term of such imprisonment shall not exceed the maximum term, nor be less than the minimum term provided by law for such felony.

Erroneous sentence.

Sec. 2133. If, through oversight or otherwise, a sentence to the reformatory should be for a definite period, it shall not for that reason be void, but the person so sentenced shall receive the benefits and be subject to the liabilities of this chapter, as if he had been sentenced in the manner required by law. In such case the Ohio board of administration shall deliver to such person a copy of this chapter and written information of his relations to them.

Duty of sheriff after conviction and sentence.

Sec. 2134. Within five days after a person is sentenced to the reformatory unless the execution of such sentence be suspended, he shall be conveyed thereto by the sheriff of the county in which he was convicted, and delivered into the custody of the superintendent thereof, there to be safely kept until released by the Ohio board of administration or pardoned by the governor. The sheriff shall also leave a copy of the sentence of the court with such superintendent. If the execution of a sentence is suspended and the judgment is afterwards affirmed, the defendant shall be conveyed to the reformatory within five days thereafter. In transporting a prisoner to the reformatory, the sheriff shall perform like duties, have like powers and receive like compensation as provided by law for transporting prisoners to the penitentiary.

Control and record of prisoners.

Sec. 2135. The Ohio board of administration shall maintain such control over prisoners committed to its custody as may prevent them from committing crime, secure their self-support and accomplish their reformation. When a prisoner is received the superintendent shall cause to be entered in a register the date of his admission, his name,

age, nativity and nationality, with such facts as can be ascertained of his parentage, early education and social influences which indicate the constitutional defects and tendencies of the prisoner and the best probable plan of treatment. Upon such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character and notes as to methods and treatment employed. All orders or alterations affecting the standing or situation of the prisoner, the circumstances of his final release and subsequent facts of his personal history which may be brought to the knowledge of the superintendent shall also be entered therein.

Discipline.

Sec. 2136. The discipline to be observed in the institution shall be reformatory and the Ohio board of administration shall employ such means for reformation or improvement as may be expedient.

Industrial training schools.

Sec. 2137. The superintendent, with the authority and under the direction of the Ohio board of administration, may expend not to exceed fifty per cent. of the gross earnings of the inmates for the equipment and maintenance of industrial training schools. Such schools shall be conducted so that the inmates shall be taught and trained in various arts of such character as to enable them to perform the skilled labor required at the reformatory, and fit them for self-support when released therefrom. The superintendent shall make detailed monthly reports to the auditor of state of all moneys received and expended under the provisions of this section.

Earnings of prisoners.

Sec. 2138. The superintendent shall place to the credit of each prisoner such amount of his earnings as the Ohio board of administration deems equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he was imprisoned and his general deportment. Such credit shall not exceed twenty per cent. of his earnings and shall be paid to him or his family at such time or in such manner as the board directs, but not less than twenty-five per cent. shall be left for and paid to such prisoner when he is restored to his citizenship. The superintendent, with the approval of the board, for violation of the rules, want of propriety or other misconduct, may cancel such portion of such credit as he deems proper.

Transfer of prisoners from penitentiary and boys' industrial school.

Sec. 2139. The Ohio board of administration may receive and detain during the term of their sentences to the penitentiary, prisoners transferred therefrom. The law applicable to convicts in the penitentiary, so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to such convicts when so transferred. The board may transfer to the reformatory from the boys' industrial school inmates of an apparently incorrigible nature whose presence in the school appears to be detrimental to the welfare of the institution.

Transfer of prisoners to Ohio penitentiary.

Sec. 2140. The Ohio board of administration, with the written consent of the governor, may transfer to the penitentiary a prisoner, who, subsequent to his committal,

shall be shown to have been more than thirty years of age at the time of his conviction or to have been previously convicted of crime. The Ohio board of administration may so transfer an apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution.

Parole of prisoners.

Sec. 2141. The Ohio board of administration shall establish rules and regulations under which prisoners may be allowed to go upon parole in legal custody, under the control of the Ohio board of administration and subject to be taken back into the enclosure of the reformatory. A prisoner shall not be eligible to parole, and an application for parole shall not be considered by the board, until such prisoner has been recommended as worthy of such consideration by the superintendent and chaplain of the reformatory.

Notice; action of board.

Sec. 2142. Before consideration by the Ohio board of administration notice of such recommendation shall be published for three consecutive weeks in two newspapers of opposite politics in the county from which the prisoner is sentenced, or in the county of the residence of the prisoner. The expense of such publication shall not exceed one dollar for each paper. A prisoner shall not be released upon parole unless, in the judgment of the board, there is reasonable ground to believe that, if so released, he will be and remain at liberty without violating the law, and that such release is not incompatible with the welfare of society. Such judgment shall be based upon the record and character of the prisoner in the reformatory, his previous record, the nature and character of the crime committed and other facts which the board may be able to obtain bearing upon the advisability of such parole. A prisoner shall not be paroled without receiving the votes of all members of the board present at a regular or special meeting, and when a prisoner so paroled, has during such parole performed all the conditions imposed, the Ohio board of administration may finally release and discharge him.

No petition or outside influences permitted.

Sec. 2143. A petition or application for the release of a prisoner shall not be entertained by the Ohio board of administration, and no attorney or other person shall appear before the board as applicant for the parole of a prisoner. The board may make such inquiries as is advisable as to the previous history or environment of such prisoner, or his probable surroundings if paroled. Such inquiries shall be instituted by the board itself and all information thus received shall be confidential.

Return of paroled prisoners.

Sec. 2144. The superintendent shall enforce the rules and regulations relating to paroles, and may retake and reimprison a prisoner upon parole. His written order shall be sufficient warrant for officers named therein to arrest and return to actual custody a conditionally released or paroled prisoner. If the paroled prisoner is in the custody of an officer of the law, either under an order of arrest or by virtue of a conviction and sentence for a crime other than

murder in the first degree, manslaughter, rape or arson, such order shall be a sufficient warrant to take such paroled prisoner into the custody of an officer of the reformatory. The officers named in such order shall arrest and return to custody a conditionally released or paroled prisoner. The Ohio board of administration may make rules and regulations necessary and proper for the employment, discipline, instruction, education, removal, temporary or conditional release and return of prisoners of the reformatory.

System of credits.

Sec. 2145. The Ohio board of administration, under a system of marks or otherwise, shall make a uniform plan to determine what number of marks or credits shall be earned by each prisoner with a view to increased privileges, or to release from its control. Such plan shall be subject to revision. Each prisoner shall be credited for good personal demeanor, diligence in labor or study, and results accomplished, and debited for derelictions, negligence or offenses. The superintendent shall establish rules and regulations by which each prisoner's account of marks shall be made known to him as often as once a month, and make provision by which a prisoner may see and converse with one or more of the officers of the institution during each month.

Release of prisoners.

Sec. 2146. When there is a reasonable probability that a prisoner's release or parole will not be incompatible with the welfare of society, the Ohio board of administration may grant an absolute release to such prisoner, certifying the fact of such release and the grounds thereof to the governor, who may thereupon restore such prisoner to citizenship. Nothing herein contained shall impair the power of the governor to grant a pardon or commutation in any case.

Recommendation for pardon.

Sec. 2147. The Ohio board of administration may recommend that a prisoner be pardoned, without the intervention of the state board of pardons. Such recommendation shall require the votes of all the members of the board present at a regular or special meeting and such pardon shall first be recommended by the superintendent and chaplain of the reformatory.

Judge may notify board before sending child to reformatory.

Sec. 2975. The juvenile judge in each county whenever proceedings are instituted before him to commit a child to the boys' industrial school, or girls' industrial school, may notify the board of county visitors of the county of the pendency of such proceedings and thereupon it shall be the duty of such board to attend and protect the interests of such child.

Children's Homes and Asylums.

orphans' asylums.

Bequests for orphans' asylum.

Sec. 3070. The county commissioners may receive bequests, donations, and gifts, real and personal, for the pur-

chase of a site to erect thereon and maintain an orphans' asylum, provided, however, that the board of state charities must first approve of the establishment of such asylum.

COUNTY CHILDREN'S HOMES.

Sec. 3077. When in their opinion the interests of the public so demand, the commissioners of a county may, or upon the written petition of two hundred of more tax payers, shall, provided the approval of the board of state charities has been first obtained, at the next regular election submit to the qualified electors of such county, or the counties forming a district, the question of establishing a children's home for such county or district, and the issue of county bonds or notes to provide funds therefor. Notice of such election shall be published for at least two weeks prior to taking such vote, in two or more newspapers printed and of general circulation in such county or in the counties of the district, and shall state the maximum amount of money to be expended in establishing such home.

Establishment of children's home submitted to vote.

Sec. 3085. Subject to such rules and regulations as the trustees prescribe, the superintendent shall have entire charge and control of such home and the inmates therein. Upon the recommendation of the superintendent, the trustees may appoint a matron, assistant matron, teacher or teachers whose duties shall be the care of the inmates of the home, and to direct their employment, giving suitable physical, mental and moral training to them. Under the direction of the superintendent, the matron shall have the control, general management and supervision of the household duties of the home, and the matron, assistant matron, teacher, or teachers, shall perform such other duties, and receive for their services such compensation as the trustees may by by-laws from time to time direct. They may be removed by the superintendent or at the pleasure of the trustees, or a majority of them. A licensed physician may be employed, who shall at least quarterly make a physical and mental examination of all the inmates of such home, and a record of such examination shall be kept. When necessary, experts may be employed to give the proper treatment, or a child may be sent to a suitable institution for treatment at the expense of the county.

Duties of superintendent, matron, teacher and physician.

Sec. 3088. During the two weeks ending on the fourth Saturday in July, the clerk of the board of trustees shall take and return to the county auditor the names and ages of all youth of school age in such home. The state common school fund, not otherwise appropriated by law, shall be apportioned in proportion to the enumeration of youth, to such home and other districts, sub-districts and joint sub-districts within the county. The amount of money due such home under such apportionment shall be set apart by the auditor of the county, and shall become a part of the children's home fund and used to maintain a common school in

Clerk shall report names and ages to auditor.

such home, and shall be paid out on certificate of the trustees, stating in the certificate, the amount and the purposes thereof. Thereupon the county auditor shall issue his warrant on the treasurer for the amount so certified. This section shall not apply to children's homes in counties where such children attend the public schools. When in their judgment advisable, the trustees may employ a teacher to teach the school in any such home, as provided by law, but such teacher must have a "teacher's elementary school certificate" as provided for by section seven thousand eight hundred and twenty-nine of the General Code.

What children may be admitted.

Sec. 3089. The home shall be an asylum for children under the age of eighteen years, of sound mind and not morally vicious and free from infectious or contagious diseases, who have resided in the county not less than one year, and for such other children under such age from other counties in the state where there is no home, as the trustees of such home and the persons or authority having the custody and control of such children, by contract agree upon, who are, in the opinion of the trustees, suitable children for admission by reason of orphanage, abandonment or neglect by parents, or inability of parents to provide for them. In no event shall a delinquent or incorrigible child, be committed to or be accepted by such home. If an inmate of such home is found to be incorrigible, he or she shall be brought before the juvenile court for further disposition. Parents or guardians of such children shall in all cases where able to do so, pay reasonable board for their children received in such children's home.

Incorrigibles.

How children shall be admitted; record.

Sec. 3090. They shall be admitted by the superintendent on the order of the juvenile court or of a majority of such trustees, accompanied by a statement of facts signed by the court or trustees, setting forth name, age, birthplace, and present condition of the child named in such order, which statement of facts contained in the order, together with any additional facts connected with the history and condition of such children shall be, by the superintendent, recorded in a record provided for that purpose, which shall be confidential and only open for inspection at the discretion of the trustees.

Certificate of superintendent of infirmary and township trustees.

Sec. 3091. When a child mantained in the infirmary of any county becomes eligible to the children's home of such county or district, such fact shall be certified to the trustees thereof by the superintendent of the infirmary. Except such as are imbecile, idiots or insane, no child or children entitled to admission into a children's home shall be kept or maintained in any county infirmary in this state. When children are found by township trustees to be proper subjects for the care of the county, said trustees shall file their complaint with the juvenile court, and if said court orders such children to be committed to a children's home, they shall be conveyed to such home by the township trustees, and the expenses thereof paid from the township poor

fund. The superintendent of the home may provide and care for temporarily until the proper officers are notified, any child found abandoned and destitute, and which is eligible to the children's home.

Temporary provisions for destitute children.

Sec. 3092. In any county where such home has not already been provided, the board of commissioners shall make temporary provisions for destitute children by transferring them to the nearest children's home where they can be received and kept at the expense of the county, or by leasing suitable premises for that purpose, which shall be furnished, provided and managed in all respects as provided by law for the support and management of children's homes, but if such child be not abandoned or surrendered by its parents, a complaint must first be filed with the juvenile court setting forth the facts as to such children, and if such court commits such children to an institution or agency for the care of children, then said commissioners may pay reasonable board for such child, whether placed in an institution or with a private family. But the commissioners may provide for the care and support of such children within their respective counties, in the manner deemed best for the interest of such children, which may include the payment of board for such children in a private home, when placed therein by an institution or society certified by the board of state charities as provided by section 1352-1 of the General Code, and they shall levy an additional tax, which shall be used for that purpose only.

Guardianship and control of inmates.

Sec. 3093. All inmates of such home who by reason of abandonment, neglect, or dependence have been admitted, or who have been by the parent or guardian voluntarily surrendered to the trustees, shall be under the sole and exclusive guardianship and control of the trustees during their stay in such home, until they are eighteen years of age, and if such child is placed out or adopted such control shall continue until such child becomes of lawful age. A child shall be deemed abandoned, if at any time the parents or persons having control thereof are in arrears for his or her board for a period of one year or more. Payment of such board thereafter shall not reinstate such parents or persons in the control or guardianship of such child, unless such board shall deem it wise.

Written agreement as to child's care and education.

Sec. 3096. The trustees shall require an agreement in a form to be prescribed by the board of state charities, in writing to be entered into, that such child so placed out shall be furnished with good and sufficient food, clothing and a public school education, and if deemed by the trustees to the interest of the child that such provisions be made, that there shall be payment to it of a reasonable amount to be named in the agreement, to be paid in such amounts and times as may be specified. Children may be placed in homes on trial without any written agreement. For the purpose of securing the well-being and progress of such children, and the enforcement of the agreement, the trus-

tees shall have the control and guardianship of such children until they become of age.

Uniform records throughout state.

Sec. 3097. Full and complete records of the inmates shall be kept in the children's home and they shall be uniform throughout the state. It shall be the duty of the board of state charities to secure uniformity by providing a standard form of blanks and records for the guidance of such institutions, wherein shall be recorded the full name, age, place of residence, name of parent or other relatives, so far as obtainable, and other information as the board of state charities requires, which records shall not be open to inspection unless on special permission of the trustees. The name and place of residence of the person with whom a child is placed or by whom adopted shall be recorded together with the terms of the agreement in a separate record, which shall not be open to inspection except by special permission of the trustees, having regard at all times to the well-being of the child, except that duly authorized representatives of the board of state charities, may see such record at any time.

Visitation; duty of trustees.

Sec. 3098. The trustees shall visit, or cause to be visited, each child placed out by them, at least once in each year, and as much oftener as the welfare of the child requires. The trustees may at any time vacate any agreement when the welfare of the child may demand it, and replace it in another family home or return it to the institution.

Trustees shall appoint visiting agent; duties.

Sec. 3099. Unless a children's home places its wards through the agency of the board of state charities, the trustees shall appoint a competent person as visiting agent, who shall seek homes for the children in private families, where they will be properly cared for, trained and educated. When practicable, the agent shall visit each child so placed not less than once in each year, and report from time to time to the trustees its condition, any brutal or ill treatment of it, or failure to provide suitable food, clothing or school facilities therefor in such family. The agent shall perform his or her duties under the direction of the trustees and superintendent of the children's home for which he or she is appointed, and may be assigned other duties not inconsistent with his or her regular employment as the trustees prescribe. His or her appointment shall be for one year, or until his or her successor is appointed, and he shall receive such reasonable compensation for his or her services as the trustees provide.

Children may be placed in private families; joint visiting agents.

Sec. 3100. The trustees of such children's home may also place children under their charge in suitable homes in private families, through well known and established private institutions duly incorporated under the laws of the state, and approved by the board of state charities as provided by section 1352-1 of the General Code, which have as their object, the fitting for, and placing of children in families. Such trustees of two or more counties may unite

in the employment of a visiting agent who shall serve them in such manner with such compensation as the trustees so uniting prescribe.

Annual report.

Sec. 3104. The board of trustees shall report annually to the commissioners of the county the condition of the home, and make out and deliver to the commissioners a carefully prepared estimate, in writing, of the wants of the home for the succeeding year. Such estimate shall specify separately the amounts required for each of the following purposes, to-wit: First maintenance. Second repairs. Third special improvements.

SEMI-PUBLIC HOMES.

Aid for incorporated children's home or society.

Sec. 3108-1. The county commissioners of any county which has no county children's home may aid an incorporated children's home or other incorporated society, whose object is the care, aid, and education of neglected or destitute children, by contributing toward the purchase of land for such home or society, of the erection of buildings by it, or of additions to existing buildings, or other improvements to an amount not to exceed twenty-five hundred dollars in any one year; or they may contribute an amount not to exceed five hundred dollars in any one year for the purpose of keeping such property in repair, provided that in case such children's home shall cease to exist so that such property so purchased shall cease to be used for the purpose of such children's home by such corporation such county shall have a lien upon such property so purchased for the amount of money contributed for its purchase and if such corporation shall fail or be unable from any cause to maintain, manage and control such home so as to subserve the purpose of a children's home from which the same was incorporated, then such commissioners may enforce such lien or, if they so prefer and desire, they are hereby authorized and empowered upon approval of the board of state charities first obtained to organize such home into a county children's home, under the general laws of the state of Ohio, and the title to such property, where the county has contributed the whole amount of the purchase money shall vest in and be the property of such county.

Semi-public homes have same rights and duties as children's homes.

Sec. 3108-2. Children's homes or societies so assisted by county commissioners, shall be known as semi-public homes. They shall have the same rights and duties as are prescribed in the case of county children's homes by sections three thousand eighty-nine, three thousand ninety, three thousand ninety-one, three thousand ninety-three, three thousand ninety-five, three thousand ninety-six, three thousand ninety-seven, three thousand ninety-eight, three thousand ninety-nine, three thousand one hundred and three thousand one hundred and three of the General Code. They shall make to the county commissioners a monthly report on the first Monday of each month of the condition of said in-

stitution, its receipts and expenditures during the preceding month, the number of children received and discharged and the general condition of the institution.

Superintendent shall certify children as in case of county children's homes.

The superintendent of the infirmary of any county shall certify children to semi-public homes in the manner provided by section two thousand five hundred and forty-seven and three thousand and ninety-one in the case of county children's homes. The county commissioners shall pay for the maintenance of such children a sum to be agreed upon by the commissioners and the board of such home. A home or society desiring to be classed as a semi-public home shall state the facts to the board of state charities, which, if satisfied that such home or society is a proper subject for county aid as provided herein, shall issue its certificate that such home or society shall be known as a semi-public home. No home or society not so certified shall be entitled to receive any funds from the county commissioners as provided herein. Said certificate shall be valid for one year from the time the same is issued.

How society shall become semi-public home.

DISTRICT HOMES.

District homes.

Sec. 3109. In accordance with the purposes, provisions, and regulations relating to county children's homes, when in their opinion the public good so demands, the commissioners of two or more adjoining counties, not to exceed four, may form themselves into a joint board, and proceed to organize a district for the establishment and support of a children's home, and provide for the purchase of a site, and the erection of necessary buildings thereon, provided the approval of the state board of charities has been first obtained.

Five trustees, appointment, term.

Sec. 3112. Immediately upon the organization of the joint board, or as soon thereafter as practicable, said joint board shall appoint five trustees, who shall hold and perform the duties of their office, until the first annual meeting after the selection and purchase of a building site, when said joint board shall appoint a board of five trustees, who shall hold their office, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years. Annually thereafter, said joint board shall appoint one trustee, who shall hold his office for the term of five years, and until his successor is appointed and qualified. The annual meeting of the board shall be held on the first Tuesday of May in each year.

How trustees apportioned.

Sec. 3114. Each county in the district shall be entitled to one trustee, and in districts composed of but two counties, each county shall be entitled to not less than two trustees. The county wherein such children's home is located, shall have not less than two trustees, who, in the interim of the regular meetings of the board, shall act as an executive committee in the discharge of all business pertaining to the home.

Same laws apply to county and district homes.

Sec. 3126. All provisions of this chapter, relating to county children's homes so far as applicable, including the provisions for the placement of children in private homes, shall be in force and effect in the organization, support and management of district children's homes.

CITY CHILDREN'S HOMES.

Powers of trustees and managers.

Sec. 4083. In cities where children's homes or industrial schools are established under the incorporation law of the state, the trustees and managers of such institutions may take under their guardianship all children placed under their care and management in either of the following modes:

First. Children under sixteen years of age, who are voluntarily surrendered by the father and mother or in case of the death, or long continued or wilful absence of the father, by the mother, or by their guardians, to the care of such trustees and managers, they being by virtue of such surrender invested with the same power over the persons of the children as the parents or guardians.

Second. Children under sixteen years of age who are committed to their care by the juvenile court.

May indenture children.

Sec. 4085. The trustees and managers shall require an agreement to be entered into, that each and every child so placed shall be furnished with good and sufficient food and clothing and a suitable common school education. Such agreement shall be in a form to be prescribed by the board of state charities.

What records shall be kept.

Sec. 4086. Such trustees and managers shall provide themselves with records, in which shall be entered the age, parentage, place of residence, and present condition of every child received in any such children's home or industrial school. They shall also cause to be entered in such records the time when, the place where, and the person to whom any of the inmates of such children's home or industrial school have been placed for suitable homes, together with a substantial statement of any contract made between such trustees and managers, and the persons receiving such child.

Cancellation of contract.

Sec. 4087. If a person so taking charge of a child, desires to be released from the contract, the trustees and managers, upon application, may cancel it, and resume the charge and management of the child, and shall have the same power and authority over him as before the agreement was made.

Removal of children from unsuitable homes.

Sec. 4088. The trustees and managers may remove a child from a home when, in their judgment, it has become an unsuitable one. In such cases, they shall resume the same power and authority as they originally possessed, but they may return a child to parents or a surviving parent or guardian, or when they believe the child to be capable of caring and providing for himself, may discharge him to his own care. They shall have the same power respecting such

children and be subject to the same obligations as provided in the case of county children's homes by sections 3098, 3099, 3100, 3101, 3102 and 3103 of the General Code.

HOUSES OF REFUGE.

Director may place children in private homes and employ visitor.

Sec. 4108. The director of public safety may, at his discretion, place children committed to his care in private homes which have been previously investigated to ascertain their fitness for the purpose. He may at his discretion pay board for children so placed. He shall employ a competent person to visit children so placed in such homes at least twice a year, and may at any time, at his discretion remove children so placed from such homes, and return them to such house of refuge or place them in another home at his discretion.

Arrest and return of fugitive.

Sec. 4112. A fugitive from a house of refuge and correction, may be arrested and returned to the institution by a sheriff or constable of any county in this state, or police officer of the corporation, or officer of such institution, on the written order of the director of public safety, directed to the officer, and may be delivered to the custody of such officer of the house of refuge and correction as the director may name.

SCHOOLS AND ATTENDANCE.

Schools at children's homes and orphans' asylums.

Sec. 7676. The board of education in any district in which a children's home or orphans' asylum is established by law, when requested by the board of trustees of such children's home or orphans' asylum when no public school is situated reasonably near such home or asylum, shall establish a separate school in such home or asylum, so as to afford to the children therein, as far as practicable, the advantages and privileges of a common school education. Such schools must be continued in operation for such period as is provided by law for public schools. If the distributive share of school funds to which the school at such home or asylum is entitled by the enumeration of children in the institution is not sufficient to continue the schools for that length of time, the deficiency shall be paid out of the funds of the institution or by the county commissioners.

Control and management of such schools.

Teachers.

Sec. 7677. All schools so established in any such home or asylum shall be under the control and management of the respective boards of education of the school districts in which such homes and institutions are located, and courses of study, length of school term, and all other school matters shall be uniform in the respective school districts. Teachers employed in such homes or institutions must have a teacher's elementary school certificate as provided by section seven thousand eight hundred and twenty-nine of the General Code.

Sec. 7678. In the establishment of such schools the commissioners of the county in which such children's home

or orphans' asylum is established, shall provide the necessary school room or rooms, furniture, fuel, apparatus and books, the cost of which for such schools must be paid out of the funds provided for such institution. The board of education shall incur no expense in supporting such schools.

Cost; how paid.

Sec. 7681. The schools of each district shall be free to all youth between six and twenty-one years of age, who are children, wards or apprentices of actual residents of the district, including children of proper age who are inmates of a county or district children's home or orphans' asylum located in such a school district but the time in the school year at which beginners may enter upon the first year's work of the elementary schools shall be subject to the rules and regulations of the local boards of education. But all youth of school age living apart from their parents or guardians and who work to support themselves by their own labor, shall be entitled to attend school free in the district in which they are employed.

Free schools; beginners.

Sec. 7692. Each and every board of education in this state may appoint at least one school physician; provided two or more school districts may unite and employ one such physician, whose duties shall be such as are prescribed in this act. Said school physician shall hold a license to practice medicine in Ohio. School physicians may be discharged at any time by the appointing power whether the same be a board of education or of health or health officer, as herein provided. School physicians shall serve one year and until their successors are appointed, and shall receive such compensation as the appointing board may determine. Such boards may also employ trained nurses to aid in such inspection in such ways as may be prescribed by the board. Such board may delegate the duties and powers herein provided for to the board of health or officer performing the functions of a board of health within the school district if such board or officer is willing to assume the same. Boards of education shall co-operate with boards of health in the preventing of epidemics.

School physician, appointment, qualifications.

Nurses.

Sec. 7692-1. School physicians may make examinations and diagnosis of all children referred to them at the beginning of every school year and at other times if deemed desirable. They may make such further examination of teachers, janitors and school buildings as in their opinion the protection of health of the pupils and teachers may require. Whenever a school child, teacher or janitor is found to be ill or suffering from positive open pulmonary tuberculosis or other contagious disease, the school physician shall promptly send such child, teacher, or janitor home, with a note, in the case of the child, to its parents or guardian, briefly setting forth the discovered facts, and advising that the family physician be consulted. School physicians shall keep accurate card index records of all examinations, and said records, that they may be uniform throughout the state shall be according to the form prescribed by the state school commissioner, and the reports

Examinations and diagnosis of children, teachers and janitors.

Uniform card index records shall be kept.

shall be made according to the method of said form; provided, however, that if the parent or guardian of any school child or any teacher or janitor after notice from the board of education shall within two weeks thereafter furnish the written certificate of any reputable physician that the child, or teacher or janitor has been examined, in such cases the services of the medical inspector herein provided for shall be dispensed with, and such certificate shall be furnished by such parent or guardian from time to time, as required by the board of education. Such individual records shall not be open to the public and shall be solely for the use of the boards of education and health or other health officer. If any teacher or janitor is found to have positive open pulmonary tuberculosis or other communicable disease, his or her employment shall be discontinued upon expiration of the contract therefor, or, at the option of the board, suspended upon such terms as to salary as the board may deem just until the school physician shall have certified to a recovery from such disease.

Sec. 7692-2. The state school commissioner and the state board of health, shall jointly pass rules for the detailed enforcement of the purposes of this act, which rules shall bear the seals of said board and commissioner, the said rules to be printed and promulgated by the state printer; promulgation to consist in supplying a reasonable number of copies to each school superintendent, from whom all that are interested may receive copies.

Publication of rules for enforcement of act.

Sec. 7692-3. No member of the board of education in any district in this state shall be eligible to the appointment of school physician during the period for which he or she is elected.

Who not eligible as physician.

Sec. 7692-4. Each board of education by the affidavit of an officer thereof or otherwise shall prove to the satisfaction of the state school commissioner that it has complied with the requirements of sections seven thousand six hundred and ninety-two, seven thousand six hundred and ninety-two-one, and seven thousand six hundred and ninety-two-two, of the General Code.

Affidavit of compliance.

Sec. 7693. The board of education of any school district, may provide and pay compensation to the employes of the board of health in addition to that provided by the city, township or other municipality.

Board may provide additional compensation.

COMPULSORY EDUCATION.

Sec. 7763. Every parent, guardian or other person having charge of any child between the ages of eight and fifteen years of age if a male, and sixteen years of age, if a female, must send such child to a public, private or parochial school, for the full time that the school attended is in session, which shall in no case be for less than twenty-eight weeks. Such attendance must begin within the first week of the school term, unless the child is excused therefrom by the superintendent of the public schools, in city or

School attendance.

other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having a superintendent or by the principal of the private or parochial school, upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of such superintendent or clerk, as the case may be, to teach the branches named in the next preceding section.

Appeal in case of refusal to excuse.

Sec. 7764. In case such superintendent, principal or clerk refuses to excuse a child from attendance at school, an appeal may be taken from such decision to the judge of the juvenile court of the county, upon the giving of a bond, within ten days thereafter, to the approval of such judge, to pay the costs of the appeal. His decision in the matter shall be final. All children between the ages of fifteen and sixteen years, not engaged in some regular employment, shall attend school for the full term the schools of the district in which they reside are in session during the school year, unless excused for the reasons above named.

Age and school certificates of girls and boys employed.

Sec. 7765. No boy under sixteen years of age and no girl under eighteen years of age shall be employed or be in the employment of any person, company or corporation unless such child presents to such person, company or corporation an age and school certificate herein provided for, as a condition of employment. Such employer shall keep the same on file in the establishment where such minor is employed for inspection by the truant officer or officers of the department of workshops and factories.

Approval of certificate.

Sec. 7766. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, upon satisfactory proof that such child, if a male, is over fifteen years of age or, if a female, is over eighteen years of age and that such child has been examined and passed a satisfactory sixth grade test, if a male, and seventh grade test, if a female, in the studies enumerated in section seventy-seven hundred and sixty-two, provided, that residents of other states who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service, and that the employment contemplated by the child is not prohibited by any law regulating the employment of such children. Every such age and schooling certificate shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

In order to ascertain whether applicants for such certificates have satisfactorily completed the studies herein prescribed as a condition for the issuance of said certificates the board of education of each city school district may ap-

point a juvenile examiner who shall receive such compensation as may be fixed by the board of education. No such child residing in a city shall be granted such certificate unless such juvenile examiner shall have previously certified that he has examined such child and that he has passed to his satisfaction the grade test as provided by this section; provided, further, that if a child in the opinion of said juvenile examiner is below the normal in mental development so that he cannot with due industry pass such test, and if the school record shows that such child is below the normal in development, such fact may be certified to by said examiner, and the superintendent or person authorized by him may at his discretion grant such child such age and schooling certificate. Provided, that if said examiner is satisfied that the standard of any school is sufficiently high, he may accept the records thereof as showing that such child has passed such test without further examination.

Juvenile examiner; compensation and duties.

Form of certificate.

The age and schooling certificate must be formulated by the state commissioner of common schools, and furnished in blank by the clerk of the board of education. It shall show the date of its issue. A record giving all the facts contained on every certificate issued shall be kept on file in the office issuing the same, and also a record of the names and addresses of the children to whom certificates have been refused, together with the names of the schools which such children should attend and the reasons for refusal.

List furnished chief inspector of workshops and factories.

The superintendent of schools or other persons authorized to issue employment certificates shall transmit between the first and tenth days of each month, to the office of the chief inspector of workshops and factories, upon blanks to be furnished by him, a list of the names of the children to whom certificates have been issued, returned or refused. Such lists shall give the name and address of the prospective employer and the nature of the occupation the child intends to engage in.

Child shall be placed in school who for any cause shall cease to work.

Any child between fifteen and sixteen years of age, who shall cease to work for any cause whatever, shall report the fact and cause at once to the superintendent of schools, or to a person authorized by him in city or other districts having such superintendent, or to the clerk of the board of education in village, township or special districts not having such superintendent; said child shall be required to return to school within two weeks, provided other employment is not secured within such time; provided that, should a child in the opinion of the superintendent or person authorized by him in cities and districts having such superintendent, or the clerk of the board of education in village, township or special districts, lose his employment by reason of persistent, wilful misconduct or continuous inconstancy, he may be placed in school until the close of the current school year.

The superintendent of schools or the person authorized

by him to issue age and schooling certificates, shall not issue such certificates until he has received, examined, approved and filed the following papers duly executed: Papers required to be approved and filed before certificate issued.

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, also the written agreement to return to the superintendent of schools or to the person authorized by him to issue such certificates, the age and schooling certificate of the child within two days from the date of the child's withdrawal or dismissal from the service of the person, partnership or corporation, giving the reason for such withdrawal or dismissal. Pledge of employer.

(2) The school record of such child, properly filled out and signed by the principal or other person in charge of the school which such child last attended, giving the name, age, address, standing in studies enumerated in section seven thousand seven hundred and sixty-two, and the number of weeks attendance in school during the school year previous to applying for such school record, and general conduct. School record.

(3) As evidence of age (a) a passport or duly attested transcript of a passport, filed with a registrar of passports or other officer charged with the duty of registering passports at the several ports of entry to the United States; or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child; or (b) a duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of the child. (c) In case none of the above proofs of age can be produced, other documentary evidence of age which shall appear to be satisfactory to the officer issuing the certificate, (aside from the school record of such child or the affidavit of parent, guardian or custodian), may be accepted in lieu thereof. In such case a school census or enumeration record, duly attested, may be used as proof of age in the discretion of the officer issuing the certificate. (d) In case no documentary proof of age of any kind can be produced, the officer issuing the certificate may receive and file an application signed by the parent, guardian or custodian of the child for a physician's certificate. Such application shall contain the name, alleged age, place and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall contain a statement certifying that the parent, guardian or custodian signing such application is unable to produce any of the documentary proofs of age specified in the preceding subdivisions of this section. If the superintendent or officer authorized by him to issue such certificate, is satisfied that a reasonable effort to procure such documentary proof has been made, the certificate of the school physician, or, if there be none, of a physician employed for the purpose by the board of education that such physician has made a physical examina- Birth certificate.

tion of such child and is satisfied that he is more than fifteen years of age, if a male, or that she is more than sixteen years of age, if a female, shall be accepted as sufficient proof of the age of such child for the purpose of this act:

Health certificate.

(4) A certificate from the school physician or if there should be none, of the board of health, and if there be no board of health within the school district in question, from a licensed physician appointed by the board of education showing that the child is physically fit to be employed in any of the occupations permitted by law for a child between fifteen and sixteen years of age. Provided that if the records of the school physician show such child to have been previously sound in health, no further physician's certificate need be required, but the officer authorized to issue such certificate may at his discretion require such physician's certificate in any case, as a condition to the issuing of an age and schooling certificate.

Special vacation certificates.

The superintendent or person authorized by him may issue special vacation certificates to boys under sixteen years of age and girls under eighteen years of age, which shall entitle the holders thereof to be employed during vacation in occupations not forbidden by law to such children even though such child may not have completed the sixth grade, but provided he has complied with all the other requirements for obtaining the certificate hereinbefore described.

Sec. 7767. All minors over the age of fifteen and under the age of sixteen years, who have not passed a satisfactory sixth grade test in the studies enumerated in section seventy-seven hundred and sixty-two, shall attend school as provided in section seventy-seven hundred and sixty-three, and all the provisions thereof shall apply to such minors.

Part time day schools.

In case the board of education of any school district establishes part time day schools for the instruction of youth over fifteen years of age who are engaged in regular employment, such board of education is authorized to require all youth who have not satisfactorily completed the eighth grade of the elementary schools, to continue their schooling until they are sixteen years of age; provided, however, that such youth if they have been granted age and schooling certificates and are regularly employed, shall be required to attend school not to exceed eight hours a week between the hours of 8 a. m. and 5 p. m. during the school term. All youth between fifteen and sixteen years of age, who are not employed, shall be required to attend school the full time.

Sec. 7768. Every child between the ages of eight and fifteen years, if a male, or between the ages of eight and sixteen years, if a female, and every male child between the ages of fifteen and sixteen years not engaged in some regular employment, who is an habitual truant from school, or who absents itself habitually from school, or who, while

Truants.

in attendance at any public, private or parochial school, is incorrigible, vicious or immoral in conduct, or who habitually wanders about the streets and public places during school hours having no business or lawful occupation, or violates any of the provisions of this act, shall be deemed a delinquent child, and shall be subject to the provisions of law relating to delinquent children.

Powers of truant officers.

Sec. 7770. The truant officer and assistants shall be vested with police powers, and the authority to serve warrants, and have authority to enter workshops, factories, stores and all other places where children are employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce this act. He also may take into custody any youth between eight and fifteen years of age, or between fifteen and sixteen years of age when not regularly employed who is not attending school, and shall conduct such youth to the school he has been attending, or which he rightfully should attend.

Duties of truant officer; record.

Sec. 7771. The truant officer shall institute proceedings against any officer, parent, guardian, person, partnership or corporation violating any provisions of this chapter, and otherwise discharge the duties described therein, and perform such other services as the superintendent of schools of the board of education may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce the provisions of this chapter. The truant officer shall keep on file the name, address and record of all children between the ages of fifteen and sixteen to whom age and schooling certificates have been granted who desire employment, and manufacturers, employers or other persons requiring help of legal age shall have access to such files. The truant officer shall co-operate with the department of workshops and factories in enforcing the conditions and requirements of the child labor laws of Ohio, furnishing upon request such data as he has collected in his reports of children from eight to sixteen years of age and also concerning employers, to the department of workshops and factories and to the state commissioner of schools. He must keep a record of his transactions for the inspection and information of the superintendent of schools and the board of education; and make daily reports to the superintendent during the school term in districts having them, and to the clerk of the board of education in districts not having superintendents as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of education.

Notice to parent.

Sec. 7773. On the request of the superintendent of schools or the board of education or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy within his district, and warn the truant and his parents, guardian or other person in charge, in writing, of the final consequences of truancy if persisted in. When any child between the ages of eight and fifteen years, or between the ages of fifteen and sixteen years, in viola-

tion of the provisions of this chapter is not regularly employed and is not attending school, the truant officer shall notify the parent, guardian or other person in charge of such child, of the fact, and require such parent, guardian or other person in charge, to cause the child to attend some recognized school within two days from the date of the notice; and it shall be the duty of the parent, guardian or other person in charge of the child so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint against the parent, guardian or other person in charge of the child, in any court of competent jurisdiction in the city, special village or township district in which the offense occurred for such failure.

Sec. 7774. If the parent, guardian or other person in charge of any child, upon complaint for a failure to cause the child to attend a recognized school, proves inability to do so, then he or she must be discharged and thereupon the truant officer shall make complaint that the child is a juvenile disorderly person within the meaning of section seventy-seven hundred and sixty-eight. If such complaint be made before a mayor, justice of the peace, or police judge, it must be certified by such magistrate to the judge of the juvenile court who shall hear the complaint and if he determines that the child is a juvenile disorderly person within the meaning of such section, and if under ten years of age, and eligible for admission thereto he shall commit the child to a children's home, or if not eligible, then to a house of refuge, if there be one in the county, or otherwise committed as provided by law.

Proceedings against disorderly juvenile persons.

Sec. 7779. Annually between the first day of July and the first day of August, truant officers must report to the judge of the juvenile court of their respective counties the names, ages and residences of all such children between the ages of eight and eighteen years, with the names and post-office address of their parents, guardians or the person in charge of them; also a statement whether the parents, guardians or persons in charge of each child are able to educate and are educating the child, or whether the interests of the child will be promoted by sending it to one of the state institutions mentioned.

Report of truant officers to juvenile court.

Sec. 7780. Upon information thus or otherwise obtained, the judge of the juvenile court may fix a time when he will hear the question whether any such child shall be required to be sent for instruction to one of the state institutions mentioned, and thereupon issue a warrant to the proper truant officer or some other suitable person, to bring the child before him, at his office at the time fixed for the hearing. He also shall issue an order on the parents, guardian or person in charge of the child to appear before him at such hearing, a copy of which order, in writing, must be served personally on the proper person by the truant officer or other person ordered to bring the child before the judge. If, on the hearing, the judge of the juvenile court is satisfied that the child is not being properly edu-

Proceedings in juvenile court.

cated at home, and will be benefited by attendance at one of the state institutions mentioned, and is a suitable person to receive instructions therein, he may send or commit such child as provided by law.

Notice to board of county visitors.

Sec. 7782. In every case of complaint against a child involving commitment to a children's home or juvenile reformatory, the board of county visitors may be notified and if so notified, it must attend and protect the interest of the child on the hearing, as provided by law in regard to the commitment to an industrial or reform school. The order of commitment of the child to a state reformatory may show that the county visitors were so notified and attended the hearing.

CHAPTER 2.

HUMANE SOCIETY.

Notice to persons having control of child and parents.

Sec. 10082. Such officer or agent shall cause a notice to be personally served upon the person having control or possession of such child, and upon its parent or parents, if within the state, that the society will apply to the probate court of the county in which it is situated, at a time and place named in the notice, for an order as hereinafter set forth. If such person or parents reside or have gone out of the state or if his or her place of residence is unknown so that such notice cannot be served, such officer or agent shall file with the probate court an affidavit stating such fact. Thereupon the clerk of said court shall cause such notice to be published once in a newspaper of general circulation throughout the county, and published in the county, if there be one so published. The notice shall state the nature of the complaint, and the time and place of the hearing, which shall be held at least two weeks later than the date of the publication; and a copy of such notice shall be sent by mail to the last known address of such parent, guardian or other person having custody of such child, unless said affidavit shows that a reasonable effort has been made without success to ascertain such address. The certificate of the clerk that such publication has been made or such notice mailed shall be sufficient evidence thereof. Until the time for the hearing arrives, the court shall make such temporary disposition of such child as it may deem best. When said period of two weeks from the time of publication shall have elapsed, said court shall have full jurisdiction to deal with such child as provided by this chapter.

GUARDIAN AND TRUSTEES.

Appointment of guardian by will.

Sec. 10930. A surviving parent by last will in writing, may appoint a guardian or guardians, for any of his or her children, whether born at the time of making the will, or afterward, to continue during the minority of the child, or for a less time.

CHAPTER 11.

OFFENSES AGAINST MINORS AND FEMALES BETWEEN EIGHTEEN AND TWENTY-ONE.

Unlawful for minor to enter saloon, etc.

Sec. 12957. Whoever, being a minor, enters a saloon, beer garden or other place where intoxicating liquor is sold or offered for sale except when accompanied by a parent or guardian, shall be fined not less than one dollar nor more than five dollars, and for each subsequent offense shall be fined not less than five dollars nor more than twenty-five dollars or imprisoned not more than ten days, or both.

Enticing minor to play for money, etc.

Sec. 12964. Whoever entices a minor to engage in a game for money or other valuable thing, or makes a wager with a minor upon the result of a game, or permits a minor to play a slot machine or other gambling device for wares or merchandise or any other thing of value, shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned not less than three months nor more than one year.

Unlawful to sell toy pistols to minors under sixteen years.

Sec. 12966. Whoever sells or exhibits for sale, to a minor under sixteen years of age, a pistol manufactured of a metallic or hard substance, commonly known as a "toy pistol" or air gun, or any form of explosive gun, shall be fined not less than ten dollars nor more than fifty dollars or imprisoned not less than ten days nor more than twenty days, or both, and be liable in damages to any person injured by such sale.

Selling firearms or air-guns to minors under seventeen years.

Sec. 12967. Whoever sells, barters, furnishes or gives to a minor under the age of seventeen years, an air-gun, musket, rifle, shotgun, revolver, pistol or other fire-arm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permits it to be used by a minor under such age, shall be fined not more than one hundred dollars or imprisoned in jail not more than thirty days, or both.

Employing children under fourteen years in shows, etc.

Sec. 12968. Whoever takes, receives, hires, employs, uses, exhibits, sells, apprentices, gives away, lets out or otherwise disposes of a child, under the age of fourteen years for or in the vocation, occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, taking any part in, or appearing in connection with a moving picture exhibiton or performance given in a theatre or place of public amusement, begging or peddling or as a gymnast, contortionist, rider or acrobat, or for an obscene, indecent or immoral purpose, exhibition or practice, or for or in a business exhibition or vocation injurious to the health or dangerous to the life or limb of such child or causes, procures or encourages such child to engage therein, or causes or permits such child to suffer or inflicts upon it unjustifiable physical pain or mental suffering, or has such child in custody for any of such purposes, shall be fined not more than two hundred dollars or imprisoned not more than six months, or both.

Workhouse provision; payments to trustee for child.

Sec. 12970-1. When such person is convicted, sentenced and confined in a workhouse, the county from which he is so convicted, sentenced and confined, upon the warrant of the county auditor of such county, and out of the general revenue fund thereof, shall pay monthly fifty cents (50c) for each day he is so confined, to a trustee to be appointed by the court imposing such sentence, to be expended for the maintenance of such child or children under sixteen years of age.

EMPLOYING MINORS AND FEMALES BETWEEN EIGHTEEN AND TWENTY-ONE IN FACTORY, ETC.

Regulating the employment of minors and females in factories, etc.

Sec. 12993. No male child under fifteen years or female child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any (1) mill, (2) factory, (3) workshop, (4) mercantile or mechanical establishments, (5) tenement-house, manufactory or workshop, (6) store, (7) office, (8) office building, (9) restaurant, (10) boarding-house, (11) bakery, (12) barber shop, (13) hotel, (14) apartment house, (15) bootblack stand or establishment, (16) public stable, (17) garage, (18) laundry, (19) place of amusement, (20) club, (21) or as a driver, (22) or in any brick or lumber yard, (23) or in the construction or repair of buildings, (24) or in the distribution, transmission or sale of merchandise, (25) nor any boy under fifteen or female under twenty-one years in the transmission of messages.

It shall be unlawful for any person, firm or corporation to employ, permit or suffer to work any child under fifteen years of age in any business whatever during any of the hours when the public schools of the district in which the child resides are in session.

Employing minor without school certificate prohibited.

Sec. 12994. No boy under sixteen years of age and no girl under eighteen years of age shall be employed or permitted to work on or in connection with the establishments mentioned in section 12993 of the General Code, or in the distribution or transmission of merchandise or messages unless such employer first procures from the proper authority the age and schooling certificate provided by law.

Filing of certificate.

Sec. 12995. The certificate mentioned in the section 12994 shall be filed in the office of such establishment and shall be produced for inspection upon request therefor by the chief or district inspector of workshops and factories or a truant officer and shall be returned forthwith to the superintendent of schools or other persons legally issuing it, by the person in charge or manager of such establishment upon the termination of the employment of such minor. Upon failure on the part of the employer so to return said certificate within two days, the child terminating his employment shall be entitled to recover from such employer in a civil action as damages an amount equal to the wages which he would have earned had he continued in

Damage on failure to return certificate.

said employment for the period between such termination thereof and the time when such certificate is so returned. If such child at any time fails to appear for work without explanation, the employment shall be deemed within the purposes of this section to have terminated upon the expiration of two days after his so failing to appear.

Regulating the hours of employment of minors and females in establishments, etc.

Sec. 12996. No boy under the age of sixteen and no girl under the age of eighteen years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 12993 (1) for more than six days in any one week, (2) nor more than forty-eight hours in any week, (3) nor more than eight hours in any one day, (4) or before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening. The presence of such child in any establishment during working hours shall be prima facie evidence of its employment therein. No boy under the age of eighteen years or girl under the age of twenty-one years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 12993 (1) for more than six days in any one week, (2) nor more than fifty-four hours in any week (3) nor more than ten hours in any one day, (4) or before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening. In estimating such periods, the time spent at different employments or under different employers shall be considered as a whole and not separately.

Hours of employment of messenger under eighteen years.

Sec. 12996-1. No person having charge or management of a telephone, telegraph or messenger office or company shall employ a boy under the age of eighteen years to work as a messenger in connection with such office or company before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day.

Time for meals.

Sec. 12997. A boy or girl employed as provided in section 12996-1, shall be entitled to not less than thirty consecutive minutes for meal time within five hours from the time of beginning work which shall not be included as a part of the work hours of the day or week.

Sec. 12998. No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 12993 unless the person, firm or corporation employing such child keeps two complete lists of the names together with the ages of all boys under sixteen years of age and all girls under eighteen years of age employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.

Two lists of minors shall be kept and one posted in conspicuous place.

Printed notice of working hours shall be posted.

Every employer shall post and keep posted in a conspicuous place in every room where any boy under the age of eighteen, or any girl under the age of twenty-one is employed, permitted or suffered to work a printed notice stat-

ing the maximum number of hours such person may be required or permitted to work on each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or for other meals. The printed form of such notices shall be furnished by the chief inspector of workshops and factories and the employment of any minor for a longer time in any day than so stated, or at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this act.

Chief inspector shall formulate notice.

Sec. 12999. The notice provided in section 12998 shall be formulated by the chief inspector of workshops and factories, approved by the attorney general and furnished by such inspector upon application therefor.

Prohibiting the employment of a child under sixteen years in certain occupations.

Sec. 13001. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or any of the following positions: (1) adjusting any belt to any machinery; (2) sewing or lacing machine belts in any workshop or factory; (3) oiling, wiping or cleaning machinery or assisting therein; (4) operating or assisting in operating any of the following machines: (a) circular or band saws; (b) wood shapers; (c) wood jointers; (d) planers; (e) sandpaper or woodpolishing machinery; (f) woodturning or boring machinery; (g) picker machines or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper-lace machines; (j) leather-burnishing machines; (k) job or cylinder printing presses operated by power other than foot power; (1) boring or drill presses; (m) stamping machines used in sheet-metal and tin-ware, or in paper and leather manufacturing, or in washer and nut factories; (n) metal or paper cutting machines; (o) corner staying machines in paper box factories; (p) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power punches or shears; (v) washing, grinding or mixing machinery; (w) calendar rolls in paper and rubber manufacturing; (x) laundering machines; (y) burring machinery; (5) or in proximity to any hazardous or unguarded belts, machinery or gearing; (6) or upon any railroad, whether steam, electric or hydraulic; (7) or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

Prohibiting a child under sixteen years working in certain capacities.

Sec. 13002. No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity (1) in, about or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture or packing of paints, colors, white or red lead; (3) nor in soldering; (4) nor in occupations causing dust in injurious quantities; (5) nor in the manufacture or use of dangerous or poisonous dyes; (6) nor in the manufacture or preparation of compositions with danger-

ous or poisonous gases; (7) nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (8) nor on scaffolding; (9) nor in heavy work in the building trades; (10) nor in any tunnel or excavation; (11) nor in, about or in connection with any mine, coal breaker, coke oven, or quarry; (12) nor in assorting, manufacturing or packing tobacco; (13) nor in operating any automobile, motor car or truck: (14) nor in a bowling alley; (15) nor in a pool or billiard room; (16) nor in any other occupation dangerous to the life and limb, or injurious to the health or morals of such child.

Board shall determine whether particular employment of minors shall be prohibited.

Sec. 13003. The state board of health may, from time to time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination.

Female shall not be engaged in employment which compels her to stand.

Sec. 13005. No female under the age of twenty-one years shall be engaged or permitted to work at an employment which compels her to remain standing constantly while on duty.

Visitor or inspector authorized to enter shop and factories.

Sec. 13006. No female visitor, truant officer, factory inspector or other officer thereunto authorized by this chapter shall be prevented, as provided by law, from entering, at any time, a shop, factory or mercantile establishment for the purpose of making a lawful inspection thereof.

Demand for age and school certificate when not filed.

Sec. 13007-1. An inspector of factories, truant officer, or other officer charged with the enforcement of this act may make demand on any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall furnish him, within ten days, satisfactory evidence that such child is in fact over sixteen years of age. The inspector of factories, truant officer or other officer charged with the enforcement of this act, shall require from such employer the same evidence of age of such child as is required upon the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child, provided that nothing herein contained shall be construed as permitting any of the acts prohibited by other sections of this chapter or as in any way exempting such employer from prosecution under other sections of this chapter.

Failure to produce evidence of age, prima facie evidence of illegal employment.

Sec. 13007-2. In case any employer shall fail to produce and deliver to a factory inspector, truant officer, or other officer charged with the enforcement of this act, within ten days after demand made pursuant to section 13007-1 of this act, the evidence of age therein required, proof of the making of such demand and of such failure to produce and file such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.

Prohibiting the employment of a child under eighteen in certain work.

Sec. 13007-3. No child under the age of eighteen years shall be employed, permitted or suffered to work (1) in, about or in connection with blast furnaces, docks, or wharves; (2) in the outside erection and repair of electric wires; (3) in the running or management of elevators, lifts or hoisting machines or dynamos; (4) in oiling or cleaning machinery in motion; (5) in the operation of emery wheels or any abrasive, polishing or buffing wheel where articles of the baser metals or iridium are manufactured; (6) at switch tending; (7) gate tending; (8) track repairing; (9) or as brakemen, firemen, engineers, motormen or conductors upon railroads; (10) or as railroad telegraph operators; (11) as pilots, firemen or engineers upon boats and vessels; (12) or in or about establishments wherein nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded or stored; (13) or in the manufacture of white or yellow phosphorus or phosphorus matches; (14) or in any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (15) or in any hotel, theater, concert hall, place of amusement, or any other establishment where intoxicating liquors are sold; (16) nor any boy under sixteen or girl under eighteen in any theater or other place of amusement, except on the stage thereof when not otherwise prohibited by law.

Board may determine whether employment of children shall be prohibited in certain occupations.

Sec. 13007-4. The state board of health may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under eighteen years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under eighteen years of age to justify their exclusion therefrom.

No child under eighteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination.

Minor shall not work in connection with saloon.

Sec. 13007-5. No person under twenty-one years of age shall be employed, permitted or suffered to work in,

about or in connection with any saloon or bar-room where intoxicating liquors are sold or to handle intoxicating liquors in any way.

Employment prohibited to females under twenty-one.

Sec. 13007-6. No female under twenty-one years of age shall be employed, permitted or suffered to work in or about any (1) mine, (2) quarry, (3) or coal breaker, except in the office thereof, (4) or in oiling or cleaning machinery while in motion.

Who shall make complaints for violations.

Sec. 13007-7. It shall be the duty of factory inspectors, truant officers and other officers charged with the enforcement of laws relating to the employment of minors, to make complaints against any person violating any of the provisions of this act and to prosecute the same.

This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints.

False statement as to age; penalty.

Sec. 13007-8. Any person who with the intent to assist a minor to procure employment, knowingly makes a false statement regarding the age of such minor either to an employer of labor or to an officer authorized to issue age and schooling certificates as provided by law, shall be fined not less than twenty-five nor more than fifty dollars.

Graduated penalties for violations.

Sec. 13007-9. Any person, firm or corporation, agent or manager of any firm or corporation, who, whether for himself or for such firm or corporation, or by himself, or through agents, servants or foreman, employs any child or girl under the age of twenty-one and whoever having under his control as parent, guardian, custodian or otherwise, any child, permits or suffers such child or girl to be employed or to work in violation of any of the provisions of this chapter, shall, for a first offense be punished by a fine of not less than five nor more than fifty dollars; for a second offense by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Penalty for continuing employment after notice of violation.

Sec. 13007-10. Whoever continues to employ any child or girl under 21 in violation of any of the provisions of this chapter, after being notified thereof in writing by a factory inspector, truant officer or other officer charged with the enforcement of this act, shall, for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars.

Penalty for failure to keep on file employment certificates.

Sec. 13007-11. Every employer who fails to procure and keep on file employment certificates for all children employed under the age of sixteen years, or to return the same as provided by section 12995 of the General Code, or who fails to keep and post lists or the notice, as provided in section 12998 of the General Code, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Penalty for hindering officer in the discharge of duty.

Sec. 13007-12. Any person, firm or corporation who (1) hinders or delays any factory inspector, truant officer, or any other officer charged with the enforcement of any of the provisions of this act in the performance of his or her duties, (2) or refuses to admit or locks out any such officer from any place which said inspectors or officers are authorized to inspect shall be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Penalty for false statement in affidavit or certificate.

Sec. 13007-13. Any person authorized to sign any certificate, affidavit or paper called for by this act, who knowingly certifies to any materially false statement therein, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Child refusing to give age, etc., shall be taken before juvenile court.

Sec. 13007-14. Any child working in or in connection with any of the establishments or places or in any of the occupations mentioned in this chapter, who refuses to give to the inspector of workshops and factories or other authorized inspector or truant officer his or her name, age and place of residence, shall be forthwith conducted by the inspector, truant officer or other officer before the juvenile court or other court having jurisdiction in the premises for examination and to be dealt with according to law.

Sec. 13018. When a person is convicted, sentenced and fined, under any provision of this subdivision of this chapter, in a workhouse, the county from which he is so convicted, sentenced and confined upon the warrant of the county auditor of such county, and out of the general revenue fund thereof, shall pay monthly fifty cents for each day he is so confined, to the trustee appointed by the court under any of such provisions, to be expended by such trustee for the maintenance of the child or children under sixteen years of age, of such person as provided in such provisions.

Amount credited convict paid to trustee.

Repeals.

SECTION 2. That sections 1349, 1350, 1352, 1354, 1639, 1642 to 1648 inclusive, 1651 to 1656 inclusive, 1658 to 1662 inclusive, 1668, 1670, 1672 to 1675 inclusive, 1676 to 1678 inclusive, 1680, 1828, 1829, 1830, 1898, 1899, 1903, 2084, 2088, 2089, 2090 to 2092 inclusive, 2095, 2096, 2099, 2101, 2102, 2103, 2103-1, 2103-2, 2105 to 2119 inclusive, 2129, 2131 to 2147 inclusive, 2547, 2975, 3070, 3077, 3085, 3088 to 3093 inclusive, 3096 to 3102 inclusive, 3104, 3109, 3112, 3114, 3122, 3126, 4083, 4085 to 4088 inclusive, 4108 to 4112 inclusive, 7676, 7677, 7678, 7681, 7692, 7693, 7763, to 7768 inclusive, 7770, 7771, 7773 to 7775 inclusive, 7779, 7780, 7782, 8005 to 8022 inclusive, 10082, 10930, 12957, 12964, 12966 to 12968 inclusive, 12970-1, 12993 to 12999 inclusive, 13001 to 13006 inclusive and 13018 be and the same are hereby repealed.

SECTION 3. This act shall take effect in the manner provided in section 1c of article II of the constitution of

The sectional numbers herein are in conformity to the General Code.

the state of Ohio, except that the amendments of section 1652 and 2084 shall not take effect until the first day of July, 1914.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 28th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
342 G.

[Amended Senate Bill No. 117.]

AN ACT

To provide for the setlement, registration, transfer and assurance of land titles and to simplify and facilitate transactions in real estate.

Be it enacted by the General Assembly of the State of Ohio:

Section 8572-1. Jurisdiction of common pleas and probate courts.

SECTION 1. Concurrent jurisdiction, except as otherwise provided, is hereby conferred upon the common pleas courts in all matters arising under this act. The probate court, for the purpose of this act and as to the jurisdiction hereby conferred, shall have all the powers both at law and in equity of a court of general jurisdiction. In counties having three or more common pleas judges said judges may select one or more from their own number who shall act as judge or judges in land registration cases and matters. In case the judge or judges so selected on account of interest, absence or other disability, or in case of emergency, are unable to perform the duties, any other common pleas judge for the same county may perform them. The common pleas court in any county may, in case the business requires the same, appoint one or more deputy clerks to assist the clerk in attending to land registration cases and matters. Said courts shall have full power to inquire into the condition of the title to any and all interests or estates, legal or equitable in land, or any lien, charge or incumbrance thereon, and to make all such orders, judgments and decrees as may be necessary to settle, determine, establish and declare as against all persons known and unknown, in being or unborn, the said title, interest or estate, and all liens and incumbrances existing therein, and the order and preferences as between the same, and to remove as against all persons known and unknown, in being or unborn, clouds from the title and forever quiet and settle the same.

Section 8572-2. Powers of recorder.

SECTION 2. For the purpose of carrying out the provisions of this act, the recorder shall have the power to administer oaths, issue subpoenas, summons and other process,

serve and cause notices to be served, enforce the attendance and examine witnesses and compel the production of papers and evidence, order surveys and appoint competent surveyors to make the same, conduct hearings and make such orders as are appropriate and in accordance with the provisions of this act.

Section 8572-3. SECTION 3. The common pleas court in each county shall appoint, subject to removal at any time by and at the will of said court, one or more examiners of title who shall be officers of the court and who shall be competent attorneys at law with skill and experience in the examination of titles to real estate, each of whom before entering on the discharge of his duties shall give a bond payable to the state of Ohio for the use of whom it may concern in an amount and with such sureties as shall be approved by a judge of said court, but in no case less than one thousand dollars nor more than ten thousand dollars, conditioned for the honest and faithful performance of his duties and the faithful accounting for and turning over all papers, documents, money or property which may come into his possession by virtue of his appointment, which bond shall be filed with the clerk of said court and duly recorded and shall then be deposited with the treasurer of the county who shall receipt to the clerk therefor by indorsement on the record of such bond. Said examiners shall have authority to administer oaths, take testimony and other evidence and generally to exercise all powers and perform all duties of masters in chancery. No examiner of titles shall in any way act as attorney for or represent any party or person in interest, in any matters in any way relating to proceedings to register title to land or any interest or estate therein or lien or charge thereon or in any suit or proceeding relating to registered land.

Examiners of title; qualifications, bond, duties.

Section 8572-4. SECTION 4. The person or persons who, singly, or collectively, claim to own and be seized of or to have the power of appointing or disposing of the legal or equitable estate in fee in and to the whole of any parcel of land, may personally or through an attorney in fact duly authorized by an instrument signed, witnessed, acknowledged and recorded as a deed, have his or their title to said estate in said land, or the whole title to said land, registered as hereinafter provided in the county where the land is situate. A corporation may apply by its agent or attorney duly authorized by vote of its board of directors, and any person under disability by his legal guardian or trustee. All persons in whose behalf the application is made shall be named as the applicants or plaintiffs, except in cases mentioned in section 64.

Who may have title to land registered.

Section 8572-5. SECTION 5. No estate less than a fee simple, nor any mortgage, lien or charge of any kind shall be registered, unless the fee in possession, remainder or reversion or other character of fee in and to the same land shall have been first or shall be at the same time registered. If the estate of the applicant is subject to any outstanding lesser estate,

What estates may be registered; procedure.

including life estates, estates for years, conditional limitations, executory devises or uses, springing or shifting uses, or other future estate, interest or limitation whether vested or contingent, or any private easement or other estate or interest of any kind, or is subject to any mortgage, lien or charge, each and every of the same, except taxes not due and leases for less than three years, shall be noted on the certificate of title and duplicate thereof and the title to the estate so registered and certified shall be subject only to such lesser estates, mortgages, liens and charges as are so noted, except as hereinafter provided. A perpetual leasehold shall, for the purposes of this act, be held and treated as an estate in fee and the possible reversion or remainder in fee thereunder as the lesser estate.

Section 8572-6. Tax titles.

SECTION 6. No title derived through or under any tax sale or tax deed shall be entitled to be first registered unless it shall be made to appear that title under said tax sale or tax deed has been duly established and confirmed, or acquired, by a valid judgment or decree of a court of competent jurisdiction or that the applicant and those through and under whom he claims title have been in the actual, undisputed and adverse possession of land under such title for at least twenty-one years and have paid all taxes and assessments legally levied thereon for at least ten successive years next preceding the filing of the application.

Section 8572-7. Application to register title; how made.

SECTION 7. Application to register the title to land or to any estate or interest therein shall be made by petition, as in the commencement of a civil action, filed in the probate or common pleas court of the county in which the land is situate. Upon filing the application, the clerk shall forthwith cause to be filed in the office of the recorder of said county and in the recorder's office of each county in which any part of the land lies a memorandum stating that application for registration has been filed, the date and place of filing and a copy of the description of the land contained in the application. Such memorandum shall be recorded and indexed by the county recorder.

The applicant may include in his application all lands in the county owned by him in fee, but when more than one distinct body or parcel of land is included, each separate body or parcel shall be separately described and numbered and the proper allegations and statements of fact made in reference to the same as hereinafter provided. A public or private way, where the applicant owns the fee subject thereto, shall not be regarded as separating land into parcels.

If more than one person joins in the application each and every such person must have a common and like interest in all the property included therein.

If any separate parcel of land lies partly in two or more counties the application may be filed in the probate or common pleas court of either or any of such counties and the title registered in each county in which any part of

such parcel of land lies, under the decree obtained in the court in which such application is filed.

Section 8572-8. SECTION 8. The application shall be signed and sworn to by each one of the applicants or by a person duly authorized for and on behalf of each applicant. In addition to any other appropriate, relevant and material matter the application shall set forth substantially:

What application shall set forth.

(a) The full name, age, place of residence and postoffice address of the applicant or owner and the full name, residence and postoffice address of any one acting on behalf of the applicant or owner, and the name of the applicant or owner as the same appears in his or her muniments of title, whether the applicant is now married or single and if married the full name of the husband or wife, whether the applicant or owner has been previously married, and if so when, how and by what means the marriage relation was terminated, and if by divorce when, where and by what court the divorce was granted and what if any estate or interest in or lien upon the land described in the application the former husband or wife has; if the application is by a guardian or trustee the name of the guardian or trustee, how, when and where and by what court appointed, the full name and nature of disability and postoffice address of his ward, and with whom he resides; if made by a corporation, the names and addresses of its president, secretary and managing officers, when and where incorporated and its principal place of doing business.

Name, address, etc.

(b) An accurate and full description of the land as the same appears in the muniments of title of the applicant or owner, if the same is there so described, otherwise a pertinent description from which the land can be definitely and accurately located; and in all cases an accurate plat of the land drawn to a scale, showing the lines, corners, monuments, courses and distances, streets, public ways or places, highways, private ways, adjoining lands with names of owners, streams and other important objects connected with said lands.

Description of land.

(c) A description of the buildings and improvements on the land, if any.

Description of buildings.

(d) The applicant's or owner's estate or interest in the land, buildings and improvements and the source of his title.

Estate.

(e) For what purpose, if any, the land, buildings or improvements are occupied or used, and if occupied or used by any other person than the applicant or owner, the name, residence and postoffice address of each occupant or user and what estate or interest he has or claims therein.

Use of property.

(f) The nature, amount, date and maturity and volume and page of record, if recorded, of all apparent or real liens, charges and incumbrances of any kind on the land, buildings or improvements, or any part thereof, including mortgages, deeds of trust as security, mechanics' or material men's liens, judgments, decrees and executions home and foreign, and the name, residence and postoffice address

Liens, encumbrances, etc.

of each holder thereof and of each person shown by the records or known to at any time have had an interest in any such lien, charge or incumbrance and which of said apparent liens, charges and incumbrances are clouds upon applicant's or owner's title; the style, docket number, nature and character of all suits pending by or against the applicant or owner or any of his predecessors in title in any court of record, the judgments in which might in any way affect the title of the applicant or owner to or become liens upon the lands described in the application.

Interest or estate of others.

(g) Whether any other person to the knowledge or information of the applicant, or as shown by the records, has or claims any estate or interest in the lands, buildings or improvements either in law or equity, apparent or real, in possession, remainder, reversion, expectancy or otherwise; and if any, the name, residence, and postoffice address of each such person and the nature of the estate or interest apparent or real, so held or claimed, and which of said apparent estates and interests are clouds upon applicant's or owner's title.

Name and address of adjoining owners.

(h) The name, residence and postoffice address of each owner and of each occupant of the adjoining lands so far as shown by the records and so far as the applicant upon diligent inquiry and research is able to ascertain the same, the extent and character thereof to be stated.

State or political sub-division defendant party, when.

(i) If the state of Ohio or any political subdivision thereof or public authority or public body corporate will in any way be affected by a decree of the court determining or ordering to be registered the title of the plaintiff or owner, the state or such political subdivision, public authority or body corporate, shall be made a party defendant to the application and proper allegations made as to its interest in the case.

Settlement of boundaries of street, highway, etc.

(j) If the applicant desires to have the boundaries of any street, public way, private way or highway adjacent to or located within said land, determined, a statement to that effect, describing the street, public way, private way or highway, the proper public authority having charge and control of such street, public way or highway and the persons interested in such private way, to be named and made parties defendant and their residence and postoffice address given.

Further statements.

(k) Such further statements and allegations as are in any case required by this act or may by general or special rule or order of the court in which the application is filed, be required.

Other facts.

(l) Any other material facts within the knowledge or information of the applicant relating to the title or possession of the lands, buildings or improvements thereon or to any estate therein, or lien, charge or incumbrance thereon.

Prayer.

(m) A prayer that all persons mentioned or referred to in the application, whether by name or other designation, and all other persons whomsoever, may be made and treated as defendants to said application and properly

brought before the court and that the title of the plaintiff or owner may be settled and determined and all clouds removed therefrom and ordered to be registered as set out in the petition, and that all lesser or other estates and interests in, and all liens and charges upon said land or any part thereof be settled and determined by the court and ordered to be registered.

Section 8572-9. Assent of husband or wife.

SECTION 9. If the application is made by a married person, the husband or wife, as the case may be, shall by indorsement thereon witnessed and acknowledged as a deed, or by a separate instrument so witnessed and acknowledged to be filed with the application, signify his or her assent to the registration as prayed for; except that where husband and wife are separated and living apart, or either one refuses to consent to the application of the other, this requirement shall not apply, but in such case the husband or wife shall be treated and regarded and named as a party defendant to the application.

Section 8572-10. Application by non-resident.

SECTION 10. If the application is made by a non-resident of the state he shall, in his petition, or in a separate paper to be filed in the case, give the name, residence and postoffice address of some one residing in the state, upon whom, as his agent, service of notice can be made in relation to any matter arising under or in connection with said application, and agree that such service on such agent shall have the same effect as if made on the applicant or owner personally within the state; and upon the death, removal or incapacity of such person he shall appoint another in his stead and in default thereof the application may be dismissed.

Section 8572-11. Parties, plaintiff and defendant.

SECTION 11. The applicant shall be regarded as plaintiff and all other persons named in the application and to be affected by the decree, shall by name be entered in the caption of the petition and treated as defendants, and all persons not so named, whether mentioned and referred to in the application or not, shall be included and considered as defendants under the designation, which shall appear in the caption of the petition, "all other persons, if any, having any right or interest in or lien upon the lands, or any part thereof, described herein".

When the names of any person or persons or heirs or devisees of a deceased person necessary or proper to be made parties defendant to an application are unknown to the applicant after diligent inquiry and research, the character and extent of which shall be stated, or if the applicant is unable to ascertain whether a person who is a necessary party is living or dead, or if dead whether he died testate or intestate, the applicant shall so state and allege in his application or any amendment thereof and such persons and their heirs or devisees shall thereupon be included and considered as defendants to such application under the term and designation, "all other persons, if any, having any right or interest in or lien upon the land or any part thereof described herein", or under the designation, "unknown

heirs, and devisees of ....." as the case may require, and notified by publication accordingly as provided in section 14; and when the place of residence or postoffice address of any person whose residence or post office address is required to be given, is unknown, it shall be so stated and alleged if the applicant also allege that upon diligent inquiry and research stating of what the same consisted, he has been unable to ascertain the same, and thereupon such person shall be notified by publication as provided in section 14 as one whose residence and postoffice address is unknown.

If any person named as a defendant is known by the plaintiff to be under disability of any kind, that fact and the nature and character thereof, and the name, place of residence and postoffice address of the guardian or trustee of such prson, if any there be, shall be stated in the application or an amendment thereof or reason given for the omission to so state.

The court may at any time order an application to be amended in any particular, not inconsistent with the provisions of this act, but all amendments shall be in writing signed and sworn to like the original.

Section 8572-12. Record and index of applications.

SECTION 12. After the filing of an application and before registration, the land therein described may be dealt with and instruments relating thereto may be recorded and indexed, in the same manner as if no such application had been filed. As soon as an application is disposed of the clerk shall make a memorandum stating the disposition of the case and shall send the same to the recorder of deeds of the county, who shall record and index it with the records of deeds.

Section 8572-13. Application referred to examiner for investigation; report.

SECTION 13. Immediately after the filing of an application the court shall enter an order referring it to one of the examiners of title, who shall search the records and also investigate all facts stated and all allegations made in the petition, or otherwise brought to his notice, and particularly whether the land or any part thereof is occupied by, or is in the possession, actual or constructive, of any person other than the applicant and if so, whom, the nature of the occupation or possession and by what right; and whether the boundaries and monuments or objects called for marking the same, as shown by the record title, appear to be reasonably certain and definite; and shall file in the case a report thereon, concluding with a certificate of his opinion upon the title and the necessity for a resurvey of the land and giving the names, residences and postoffice addresses, if known or ascertainable by reasonable diligence, of any persons in addition to those named in the petition which in the opinion of the examiner are necessary or proper parties to a complete determination of the case and to the settling and determination by the court of all apparent or real interests and estates in or liens or charges upon the lands described in the application or any part thereof; and such persons shall be made additional parties defendant to

the application by amendment or by order of the court before the publication of the notice provided for in the next section. The examiner of titles may require the applicant to file with him affidavits or other evidence relating to the title. Every report of an examiner of titles shall be based upon a personal inspection and examination of the record or of a duly certified copy of the record of every instrument or proceeding affecting the title to said land for a period of at least 75 years prior to the filing of the application if the record title extends back so far. The clerk shall give notice to the applicant or his attorney of the filing of such report. If the opinion of the examiner is adverse to the applicant, he shall, except in cases provided for in section 64, be allowed by the court a reasonable time in which to elect to proceed further or to withdraw his application. The election shall be made in writing and filed with the clerk.

Section 8572-14. SECTION 14. If, in the opinion of the examiner, the applicant has a good title as alleged, and proper for registration, or if the applicant after an adverse opinion of the examiner elects to proceed further, the clerk shall, upon filing of the examiner's report or the applicant's election, as the case may be, cause notice of the filing, substance and prayer of the application to be published once a week for three consecutive weeks in a newspaper, which may be designated by the applicant, published and of general circulation in each county where any portion of the land lies, or if no newspaper be published in any of such counties, then in a newspaper so designated, published and of general circulation in an adjoining county. The expense of such publication shall be paid by the applicant and taxed as costs in the case. The notice shall be issued by order of the court, attested by the clerk, and shall be in form substantially as follows:

Publication of notice of filing and substance of application.

Form of notice.

..... Court of ..... County, Ohio.

A. B., plaintiff, vs. C. D. et al, defendants	No. .... APPLICATION TO REGISTER TITLE TO LAND.

To (here insert the names, residences and addresses of all the defendants so far as known), and to all persons having any interest in or lien or charge upon the lands or any part thereof described herein. You are hereby notified that an application has been filed in said court by ..... to settle, determine and remove all clouds from and register his (or their) title in and to, and to settle, determine and register all lesser or other estates and interests in, and all liens and charges upon, the following described land (insert description).

You are hereby required to answer said application on or before the ..... day of ..... A. D. .....

and show cause, if any you have, why the prayer of said application should not be granted. And unless you appear at said court on or before the time aforesaid and make answer or other plea to said application your default will be recorded, the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

WITNESS ..... Judge of said Court, this ..... day of ..... in the year nineteen hundred and .....

Attest:

The form of said notice in cases mentioned in section 64 shall be varied as the facts may require.

Section 8572-15. Answer day.

SECTION 15. The answer day of said notice shall be the third Saturday after the publication is completed. The court shall also, within seven days after the first publication of said notice in a newspaper, cause a copy of such published notice to be served on the defendants by the clerk by his mailing a registered letter with a five day return card thereon to each and every defendant named in said notice whose address is given or known. The court shall also cause a copy of the notice duly attested by the clerk to be posted in a conspicuous place on each parcel of land included in the application, by the sheriff of the county at least fourteen days before the answer day thereof, and his return shall be proof of such posting. The court may also cause other or further additional notice of the application to be given or additional parties to be made and served as provided by law in civil actions. The court shall, so far as it considers it possible, require proof of actual notice to all adjoining owners and to all persons resident of the state who appear to be in possession or occupancy of or to have any interest in or claim to or lien or charge upon the land or any part thereof included in the application. In case any registered letter containing such published notice mailed by the clerk to a defendant named as a resident of the state, should be returned undelivered, such notice shall be re-mailed by the clerk to any other address of such party, if any, of which the plaintiff is able to learn and which he shall designate by amendment of his application filed in the case, and if none, or if said letter should be again returned undelivered, the clerk shall thereupon on the precipe of the plaintiff issue summons as in other cases for such defendant directed to the sheriff of each of the counties of this state in which said defendant is stated by the plaintiff in his application or any amendment thereof, to reside, which summons shall have attached thereto a duly attested copy of said published notice; and in case said summons and notice are returned unserved by reason of the defendant not being found, then such defendant may be treated and regarded as having been served by said publication of said notice as a person whose place of residence and postoffice address are unknown. In all cases whether of original registration or subsequently arising in any way

Serving and posting copies of notice; proof.

in reference to registered land or any interest in or lien or charge upon the same in which notice is required or may be ordered by the court to be given to parties by the clerk by publishing and mailing or either or both, the certificate of the clerk that he has served the notices as required or as directed by the court, by publishing and mailing, the certificate to state whether any, and if so which, of the letters mailed by him containing said notices have been returned to him undelivered, shall be filed in the case before any order or decree is taken or made and shall be proof of such service.

Section 8572-16. SECTION 16. Upon proof of service of all orders of notice issued and the court being satisfied that all necessary defendants are properly before the court, the court shall appoint a disinterested person other than the examiner by whom the title was examined and reported upon, to act as guardian ad litem for miners, for persons under any other disability, and for all persons not in being, unascertained, unknown or out of the state, who may have an interest, either vested, contingent, in expectancy or otherwise. The compensation of the guardian under schedule of fees hereinafter provided shall be determined by the court and paid as part of the costs in the case. It shall be the duty of said guardian to file an answer such as the case may require and actively to ascertain and protect, so far as is reasonably possible, the interests of all persons for whom he was appointed guardian for the suit and particularly to represent and act for and protect the interests and rights of all persons not in being.

Guardian ad litem; duties, compensation.

Section 8572-17. SECTION 17. Any person who claims an interest or who may be affected by the judgment in the case, whether named in the notice or not, may appear and file an answer or other plea on or before the answer day, or within such further time as the court may allow. The answer shall state all objections to the application, shall set forth the interest claimed by the person who files it, and shall be signed and sworn to by him or by a person in his behalf. Any person claiming an interest in the land may by answer or other plea oppose the application for registration of the land as belonging to the plaintiff, or may by cross petition set up a demand to have the title claimed by the plaintiff registered in the name of the cross petitioner. If a person answering claims an interest in or lien upon the property separate from that claimed by the plaintiff, he may ask to have his title to such interest or lien registered.

Who may file answer or cross petition.

Section 8572-18. SECTION 18. If no person appears and answers or files other pleas within the time allowed, then after the appointment of a guardian ad litem and the filing of an answer by him as required in the second preceding section, the court may upon motion of the applicant, no reason to the contrary appearing, order a general default to be recorded and the application to be taken for confessed and a decree to be entered confirming the title of the applicant and ordering registration thereof. The court shall in no case,

Order of default and decree of title and registration; final order.

however, either upon default or after a hearing, make a final order directing the registration of title to land until there is first filed in the case the certificate of an examiner of titles to whom the matter shall be referred for that purpose, stating that all necessary and proper parties to a complete determination of the case have been made and properly brought before the court and that the case is ripe for the entry of such final order. The court shall not be bound by the report of the examiner of title but may require other or further proof. By the description in the application and published notice, "all persons having any interest in or lien upon the land or any part thereof," all the world except defendants personally served shall be treated and regarded as having been made parties defendant and properly served.

Section 8572-19.

Cause may be referred to examiner for hearing and report.

SECTION 19. If, in any case, an answer is filed raising an issue, the cause shall be set down for hearing on the motion of either party. The court may refer the cause or any part thereof to one of the examiners of titles as master, to hear the parties and their evidence, and make report thereof and his findings thereon to the court. His report shall have the same effect as that of a master appointed by the court in other cases and he shall proceed according to the rules of said court applicable to masters except as the same may be modified by the provisions of this act or by special or general orders of the court. The court may, in any case, before decree, require a survey to be made by the county surveyor for the purpose of determining boundaries and a more accurate and definite description of the land to be prepared and may order durable monuments to be set by said surveyor and referred to in such description. The expense of survey and monuments shall be taxed in the costs of the case and may be apportioned among the parties as justice may require. If no persons appear to oppose the application to register, such expense shall be borne by the applicant. If a survey is ordered the clerk shall at least five days prior to the time the same is to be made mail a notice thereof to each owner and occupant of adjoining lands to the addresses given in the application or any amendment thereof. Said surveyor may call witnesses at the time and place of making such survey or at such other time and place as he may appoint, administer oaths and take and report to the court evidence pertinent to said survey and boundaries, and may adjourn the making of said survey and the taking of said evidence from time to time until the same is completed. Said surveyor's report shall state whether or not the boundary lines or any of them are in dispute.

Survey may be ordered for definite description.

Section 8572-20.

Decree dismissing application, effect of.

SECTION 20. If the court finds that the applicant has not title proper for registration, a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice, in whole or in part; but unless it is so ordered it shall bind the parties, their privies and the land in respect of any issue of fact or law which has been

tried and determined. The dismissal of the application of the plaintiff shall in no way affect any cross petition filed in the case, but the issues raised by such cross petition may be tried and determined by the court notwithstanding such dismissal of the application, and all parties their privies and the land itself shall be bound by such determination. All statutes of limitation relating to the recovery of possession or title to any estate or interest in land or the enforcement of any lien or charge thereon, shall apply and be given full force and effect only according to their terms in favor of and against the applicant or plaintiff in all actions or proceedings under the provisions of this act.

Section 8572-21. SECTION 21. In case the applicant shall die between the filing of the application and the final decree thereon, the proceedings shall not abate, but shall be completed in the name of the widow or widower and heirs and devisees of the applicant, and if the land is ordered registered, the court shall order that the certificate issue to such widow or widower and heirs and devisees of the applicant, according to their respective rights and interests, but subject to the right of the creditors of the deceased to have said land sold to pay his debts and subject to the right to contest any will of such deceased applicant. The personal representative of the deceased, the relict or any of said heirs or devisees, may by supplemental petition set up the facts relating to the transmission of the title to said land by reason of the death of the original applicant and cause all necessary new parties to be made and properly brought before the court as upon the filing of an application, or by summons or other process as provided by law in civil actions, as the court may direct.

Proceedings on death of applicant.

Section 8572-22. SECTION 22. If the court after a hearing finds that the applicant has title in whole or in part as stated in his application, and proper for registration, then to the extent of the title so found a decree of confirmation and registration shall be entered, which shall have the effect of a decree in rem and, subject only to the exceptions stated in section 25, shall bind the land and all interests, rights and estates therein and liens and charges thereon and, after the expiration of the time to prosecute error or appeal and except as otherwise provided in this act, shall be absolutely conclusive upon and against all persons including the state or any political subdivision thereof, whether mentioned by name in the application, notice or other papers in the case, or as unknown heirs and devisees, or included in the general description "all other persons if any, having any right or interest in or lien upon the lands or any part thereof", and whether under disability, not in being, unknown or unascertained; and after the expiration of the time for prosecuting error or appeal, except as otherwise provided in this act, no such person shall in any of the courts of this state assert by suit or otherwise any claim to an interest or estate in or lien or charge upon registered land in derogation of or contrary to the purport of such decree.

When decree of confirmation and registration shall be entered; effect of.

Such decree shall not, after the expiration of the time for prosecuting error or appeal, be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any suit or proceeding at law or in equity for opening up judgments or decrees by reason of a party not having had actual notice of the suit or proceedings; but any person deprived of land or of any estate or interest therein or lien or charge thereon by a decree of registration obtained by fraud may file a petition in the case to open up and review the same within one year after the entry of the decree, provided no innocent purchaser of value, mortgagee or other lien holder has acquired an interest. If there is any such purchaser, mortgagee or other lien holder, the decree of registration shall not as to them or any person holding under them be opened, but shall remain in force and effect forever, subject only to the right of appeal and to prosecute error. But any person who is aggrieved by such decree in any case may pursue his remedy by action of tort against the applicant or against any other person for fraud in procuring the decree.

What decree of registration shall bear and contain.

Every decree of registration shall bear date of the year, month, day, hour and minute of its entry and shall be signed by the clerk. It shall give the residence and address of the owner of the land registered, state whether he or she is married or unmarried, and if married, the name of the husband or wife; if such owner is under disability it shall state the nature of the disability, and if a minor, shall state his age. It shall contain an accurate description and plat of each separate parcel of the land as finally determined and adopted by the court, shall set forth the estate of the owner and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments and other incumbrances, including rights of husband or wife, if any, to which the land or the owner's estate is subject and all suits pending by or against the owner or any of his predecessors in title in any court of record in the county the judgments in which might affect the land or the owner's title thereto and also all such suits elsewhere pending if the same were brought to the attention of the court by the pleadings or evidence in the case, and may contain any other matter properly to be determined by the court in pursuance of this act. The decree shall be stated in a form convenient for transcription upon or binding in the register of certificates of title hereinafter mentioned, and in a form suitable to constitute it a certificate of title and shall so far as possible give the full name, residence and postoffice address of each owner and holder of any estate or interest in or lien or charge upon the lands or any part thereof. The clerk, under the direction of the court, shall make and keep indexes of all applications and of all decrees of registration.

Section 8572-23. SECTION 23. Immediately upon the entry of the decree of registration, the clerk shall send a certified copy thereof,

Recording or binding of decree in register of titles; duties of county recorder and clerk.

under the seal of the court, to the recorder of deeds for the county in which the land or any part thereof lies, and the recorder shall transcribe or bind the decree in a book to be called register of titles, in which a leaf or leaves in consecutive order shall be devoted exclusively to each title with appropriate blanks for the entry of memorials and notations as hereinafter prescribed and note therein the day, hour, and minute when said decree is filed with him. The entry made by the recorder in this book in each case shall be the original certificate of title, and shall be signed by him. Each certificate of title with such blanks, shall constitute a separate folium of such book. All memorials and notations that may be entered upon the register under the terms of this act shall be entered upon the folium constituted by the last certificate of title of the land to which they relate. Whenever the term certificate of title is used in this act it shall be deemed as including all memorials and notations thereunder noted. All certificates of title shall be numbered consecutively, beginning with number one. The recorder shall in each case make an exact duplicate of the original certificate, but putting on it the words "Owner's duplicate certificate", and deliver it to the owner or to his duly authorized attorney. In case of a variance between the owner's duplicate certificate and the original certificate the original shall prevail. The certified copy of the decree of registration shall, in case the same is transcribed into the registration book, be filed and numbered by the recorder, with a reference noted on it to the place of record of the original certificate of title. At such times as may be proper the recorder may rebind or retranscribe the certificates in new volumes of registration books containing respectively cancelled and uncancelled certificates and prepare new indexes for the uncancelled certificates. If an application includes land lying in more than one county the court shall cause the part lying in each county to be platted and described separately by metes and bounds or other definite description in the decree of registration, and the clerk shall send to the recorder for each county a copy of the decree containing a plat and description of the land within that county and the recorder shall register the same and issue an owner's duplicate therefor; and thereafter for all matters pertaining to registration, the portion in each county shall be treated as a separate parcel of land. If more than one entire and distinct parcel of land lying wholly in the county is included in the application and decree the clerk shall, if required by the applicant, send the recorder certified copies of the decree so far as the same relates to each of said separate and distinct parcels, giving plat and description thereof, and separate registration of each parcel shall be made accordingly by the recorder. The clerk shall at once in every cause make a final record thereof and immediately thereafter deliver to the recorder all papers in the case, taking his receipt therefor, which papers the recorder shall file, index and carefully preserve and

note on the original certificate in his office such filing and the number or other designation under which they may be found.

Original certificate of title entered pursuant to decree.

The certificate first registered in pursuance of a decree of registration in regard to any parcel of land shall, in the registration book, be entitled "Original certificate of title, entered pursuant to decree of the ..... court, dated at ..... (stating time and place of entry of decree and the number of the case)". The certificate shall relate back to and take effect from the date of the order or decree directing registration, and all dealings with the land, and all statutory or other liens upon the same subsequent to the filing of the application, shall be subject to and shown by such order or decree of the court. Subsequent certificates relating to the same land shall be in like form, but shall be entitled "Transfer from No. ....." (the number of the last previous certificate relating to the same land), and also the words "Originally registered" (date, volume and page of registration) and shall take effect from and be dated the exact time of filing and noting in the recorder's office of the instrument of transfer pursuant to which the certificate is issued. The recorder shall make out and deliver to the proper parties duplicates of all subsequent certificates.

Duplicate certificates may be issued to each person holding a lesser estate but the recorder shall note in the registration book and on each duplicate to whom such duplicate was issued. All certificates of title shall contain an accurate plat and description of the lands covered thereby.

Section 8572-24. Certificates to owners as tenants in common; duplicate certificates.

SECTION 24. If two or more persons are registered owners as tenants in common, or otherwise, of undivided interests in land one owner's duplicate certificate may be issued for the whole land, or in case the owner of a separate or undivided interest should so desire, he may at any time, upon the return and cancellation or proper notation upon the outstanding certificate, have a separate registration of his interest and a duplicate certificate of title issued to him.

A registered owner who holds one duplicate certificate for several distinct parcels of land may surrender it and have separate registration and duplicate certificates for portions thereof, or if he holds separate duplicate certificates for several distinct parcels he may surrender them and have registration made of and take out a single duplicate certificate for the whole land, or several registrations and duplicate certificates for different portions thereof, provided that if a new or different plat and description is to be given in any new certificate so issued the same must be definite and certain and in conformity with the previously registered plat and descriptions and must be subject to the approval of the recorder, who may in any case also require the same to be approved by the court. An owner who subdivides a tract of registered land into lots shall file with the clerk of the court a plan thereof, when apply-

ing for a new certificate or certificates, and the court, before ordering the same to be issued, shall cause the plan to be certified and filed with the recorder and recorded, and require that all boundaries, streets and passage ways shall be distinctly and accurately delineated thereon.

Section 8572-25. SECTION 25. Every applicant who without fraud on his part receives a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all estates and encumbrances except those noted on the certificate and any of the following estates and encumbrances which may be existing:

Holder of certificate of title holds same free from encumbrances; exceptions.

First. Liens, claims or rights arising or existing under the laws or constitution of the United States which the statutes of this state cannot require to appear of record in the recorder's office.

Second. Taxes, within six years after they have been entered upon the tax duplicates and become due and payable.

Third. Any highway, public way, or private way laid out or acquired under the provisions of law or otherwise, unless the certificate of title states that the non-existence of such way, or the boundaries thereof if the same exists, have been determined by the court.

Fourth. Any lease for a term not exceeding three years, when there is actual possession under the lease.

Fifth. Right of appeal and to prosecute error within thirty days after decree of registration.

Sixth. If there are easements or other rights appurtenant to a parcel of registered land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land. This section shall be printed or written on all duplicate certificates of title before delivery by the recorder.

Section 8572-26. SECTION 26. The obtaining of a decree of registration and receiving a certificate of title shall be deemed as an agreement running with the land and binding upon the applicant and the successors in title that the land shall be and forever remain registered land and subject to the provisions of this act and of all acts in amendment thereof. All dealings with the land or any estate or interest therein, after the same has been brought under this act, and all liens, encumbrances and charges upon the same shall be made only subject to the terms of this act. If any involuntary estate or interest in registered land has come into existence by executory devise, executory limitation or otherwise since the issuing of any certificate of title, the registered owner or the person claiming such estate or interest may apply to the court by petition to which all persons in interest shall be made parties and properly brought before the court, as provided in original registration or as in other civil actions, to have the same registered; and the

Decree and certificate of title deemed an agreement running with the land.

court upon a hearing shall make such order as the case requires and direct the recorder to make registration accordingly.

Section 8572-27. Signature and address of owner taken and preserved.

SECTION 27. For the purpose of preserving evidence of the hand writing of the owner of any registered property, right, interest, lien or charge, it shall be the duty of the recorder to take from such owner, in every case where it is practicable so to do, his receipt or signature card, as required, giving residence and postoffice address, for the certificate of title, or whatever paper shall be issued or delivered to or filed by him, signed by such owner in person and duly witnessed. When such receipt or signature card is signed in the recorder's office it may be witnessed by the recorder or some deputy. If signed elsewhere, it must be attested by two witnesses and acknowledged before an officer authorized to take acknowledgement of deeds. When so signed, witnessed and acknowledged and filed with the recorder such receipt shall be treated and regarded as containing the genuine signature of such person.

Section 8572-28. Certified copy in case of lost or destroyed certificate.

SECTION 28. In the event of a duplicate certificate of title being lost or destroyed, the owner, together with other persons, if any, having knowledge of the circumstances, may make affidavit before the recorder, stating the facts of the case, the names and residences of the registered owners, and such other matters as may be required by the recorder; and the recorder, if satisfied as to the truth of such affidavit, and the bona fides of the transaction, shall issue to the owner a certified copy of the original certificate, with the memorials and notations appearing upon the register, and shall note upon the register the fact, cause and date of such issue, and shall also mark upon such certified copy "owner's certificate copy issued in the place of lost (or destroyed, as the case may be) duplicate certificate", and such certified copy shall stand in the place of and have like effect as the missing certificate.

Section 8572-29. "Records of surveys of registered land."

SECTION 29. County recorders shall keep books to be known as "records of surveys of registered land," in which the recorder shall accurately copy each survey ordered by the court in the original or any subsequent registration and the volume and page of said book where such survey is so recorded shall be entered on the register of land titles on each certificate of title to said land thereafter issued.

Section 8572-30. Tract and alphabetical indexes.

SECTION 30. The recorder shall, in any county or counties where the county commissioners provide the proper records therefor and so order, keep tract indexes, in which shall be entered the lands registered in the numerical order of the townships, ranges and sections, or original surveys, and in case of sub-divisions, the blocks and lots therein, and the name of the owners, with a reference to the volume and folium of the register in which the lands are registered. He shall in all counties keep alphabetical indexes, in which shall be entered in alphabetical order the names of all registered owners and all other persons interested in, or hold-

ing charges upon registered land, a short description of the land, and nature of the dealing, with a reference to the volume and folium of the register in which the land is registered.

Section 8572-31. SECTION 31. Except in case of fraud, and except as in this act otherwise provided, no person taking a transfer of registered land, or any estate or interest therein, or of any charge upon the same, from the registered owner, shall be held to inquire into the circumstances under which or the consideration for which such owner or any previous registered owner was registered, or be affected with notice, actual or constructive, of any unregistered trust, lien, claim, demand or interest; and the knowledge that any unregistered trust, lien, claim, demand or interest is in existence shall not of itself be imputed as fraud. No unregistered estate, interest, power, right, claim, contract, or trust shall prevail against the title of a registered owner taking bona fide for valuable consideration or of any person bona fide claiming through or under him.

Person taking transfer of registered land not held to inquire into consideration of previous owners, etc.

Section 8572-32. SECTION 32. Deeds and other instruments relating to registered land creating or declaring trusts or containing unusual or exceptional covenants, restrictions or conditions or creating unusual or exceptional estates or interests, may, upon the demand of a party in interest and the payment of the proper fees, be recorded by the recorder in books to be kept for that purpose in his office and known as the "record of trusts and exceptional estates in registered land." The number of the page of the record shall be noted on the folium of the register of land titles in which the land affected is entered, and such reference made thereto in the certificate of title or memorial thereon as the case may require.

Record of trusts and exceptional estates in registered land.

Section 8572-33. SECTION 33. Whenever a memorial or notation has been entered as permitted by this act, the recorder shall carry the same forward upon all certificates of title until the same is cancelled in some manner authorized by this act.

Notation on certificate carried until cancellation.

Section 8572-34. SECTION 34. No transfer of registered land shall be made or entered in the office of the county auditor, but county recorders shall annually on or before the first day of May, make out and deliver to the auditors of their respective counties, an accurate and detailed list of all transfers of registered land, entered on the register during the year preceding, and ending on the day preceding the second Monday of April, stating the names from whom and to whom transferred, the folium of the register of each piece, the consideration named in the transfer, the date thereof, and the township, lot, section, addition, or plot or original survey where the land is situate, with the quantity of the land transferred. The recorder shall file and preserve a duplicate of such lists in his office the lists shall be certified by the recorder as correct and signed by him officially, and he shall thereto affix his seal. If a part of a registered parcel of land is to be transferred the recorder shall require the

Annual list of transfers made and delivered to county auditors.

Preserving duplicate lists.

transferee to make satisfactory proof of the value of such part compared with the value of the whole, as charged on the tax list, or to file an agreement with the transferee as to the manner of dividing the tax value, before such transfer is registered.

Section 8572-35.

Entry book.

SECTION 35. Each recorder shall keep an entry book in which he shall enter and number in the order of their reception all deeds and other voluntary instruments and all involuntary instruments and copies of writs or other papers filed with him which relate to registered land. He shall note in such book the year, month, day, hour and minute of reception of all instruments or papers in the order in which they are received, and shall also at the same time enter the number of the instrument or paper in the appropriate blank space on the registered certificate of title for the land to which it relates. They shall be regarded as registered and become effective for the purposes intended from the time they are so filed and noted and certificates of title and the memorials of each instrument when made on the registered certificate or duplicate certificate of title to which it relates shall bear the same date, except as otherwise in this act provided.

Deeds and other instruments shall be filed, numbered and endorsed.

Every deed or other instrument, voluntary or involuntary, and every paper which is so filed with the recorder, shall be numbered and indorsed over the official signature of the recorder with the time of filing and entered and indexed with a reference to the proper certificate of title. All records and papers relative to registered land in the office of the recorder shall be open to the public in the same manner as other public records, subject to such reasonable regulations as the recorder, under the direction of the court, may make.

Section 8572-36.

Instruments shall be filed under proper numbers.

SECTION 36. All duplicate certificates of title and all other instruments and memoranda in any way affecting the title to registered land, surrendered to the recorder for cancellation, and all other instruments, notices and papers required or permitted under this act to be filed with the recorder, shall be filed under their proper file numbers or other designation and carefully preserved.

Section 8572-37.

Transfer of estate by registered owner in fee; how made.

SECTION 37. A registered owner in fee of real property, in order to transfer his whole estate or interest therein or in any part or parcel thereof, or any undivided interest therein, shall execute to the intended transferee a deed or instrument of conveyance which in case of transfer of the whole of the land may be on the duplicate certificate of title, in any form authorized by law. Upon the transferee presenting such deed or instrument to the recorder of the county where the land is situate the recorder shall file the same and if he shall find that the transferer is entitled to make the transfer as provided in this act, the recorder shall register the title, in accordance with such deed or instrument of conveyance, in the transferee, upon a new folium in the register, and enter thereon all memorials, notations and

memoranda, to which the land is subject at the time of the transfer, and shall issue a new certificate of title to the transferee, stating therein his full name, residence and postoffice address, whether married, and if so, the name of husband or wife. If the transferee is a minor, his exact age must be given, or if under other disability the nature and character thereof stated. Before, however, a transfer can be registered, the transferer or the transferee, must deliver to the recorder the duplicate certificate of title of the transferer, and the recorder shall enter upon the folium of the register where such title of the transferer is registered, and upon the duplicate certificate of title, a memorial or memorandum cancelling the same, in whole or in part, as the interest of the transferee may appear from the deed or other instrument of transfer, with such particulars of the transfer as may be necessary for identification, together with the date of transfer, the name and residence and postoffice address of the transferee, and volume and folium of the register in which the transferee's title is registered.

Section 8572-38. SECTION 38. In all cases where the certificate of title, or any other instrument or memorandum affecting registered land, is wholly cancelled, the same shall be retained by the recorder and filed in his office under its proper file number and carefully preserved. In all cases where the land described in a certificate of title is only partially transferred, the recorder shall issue a new certificate of title to said owner, for the part of the land not transferred, and shall endorse on the registered certificate and on the duplicate certificate surrendered, a memorial cancelling the same, and the reasons therefor, giving the volume and folium of the register where the new title is registered, and the number of the new certificate; or if it is practicable in the opinion of the recorder so to do, the property or estate transferred may be cancelled on the registered and duplicate certificates of the transferer without the issue of a new certificate to the transferer for the residue.

Cancelled instruments shall be preserved.

New certificate for part not transferred.

Section 8572-39. SECTION 39. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the title in fee from the registered owner or some one of the registered owners; but whenever a registered owner desires to transfer to another a lesser estate than the fee, as an estate for life, for years or other term, or any other kind of lesser estate than a fee, he may do so by executing to the transferee a deed, lease, or other proper instrument of conveyance or transfer of such estate, in any form authorized by law, giving the number of his certificate and other requirements of identification; and upon such transferee presenting such deed, lease or other instrument of transfer to the recorder of the county where the land is situate, together with the owner's duplicate certificate of title, the recorder shall file the same and endorse thereon the exact time of such filing; and if upon examination it shall appear to the recorder that the transferer is

How estate less than fee transferred.

entitled to make such conveyance the recorder shall register the same by endorsing upon the folium of the register where such title is registered and upon the duplicate certificate of title, a memorial of such transfer, giving the exact time of filing, name, residence and postoffice address of transferee, nature and kind of estate transferred, and such other material matter as is contained in said instrument of transfer and shall endorse on the instrument of transfer the volume and folium of the register where registered.

Section 8572-40.

Question as to memoranda of instruments referred to common pleas court or examiner.

SECTION 40. If the recorder is in doubt upon any question, or if any person in interest does not agree as to the proper memorandum to be made in pursuance of any deed, mortgage or other voluntary instrument presented for registration, the question may on the certificate of the recorder stating the question upon which he is in doubt, or the person in interest does not agree, be referred to the common pleas court for decision; and the court, after notice to all parties and a hearing, shall enter an order directing the action of and prescribing the form of memorandum to be made by the recorder, who shall make registration or otherwise act in accordance therewith, and such order shall be final and conclusive; or the question may, by the recorder, be referred to an examiner of titles, and upon receipt of his report thereon the recorder shall fix a time for hearing and notify the parties thereof and shall on such hearing make such disposition of said question as to the recorder seems just and proper and in accordance with law and the provisions of this act.

Section 8572-41.

Duplicate certificate must be presented before new certificate issued or memoranda made.

SECTION 41. No new certificate of title shall be entered, and no memorandum shall be made upon the register of any certificate of title by the recorder in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented with such instrument, except in cases expressly provided for in this act or upon the order of the court, for cause shown; and whenever such order is made, a memorandum thereof shall be entered on the new certificate of title and on the owner's duplicate. The production of the owner's duplicate, whenever a voluntary instrument is presented for registration, shall be authority from the registered owner to the recorder to enter a new certificate or to make a memorial of registration in accordance with such instrument, and the new certificate or memorial shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser and holder for value and in good faith and in favor of all persons holding under such purchaser and holder. In all cases of registration which are procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice however, to the rights of any innocent holder for value of a certificate of title or any person holding under such innocent holder. After the entering and issuing of a certificate of title by the recorder on the decree of registration

under the original application, any subsequent registration which is procured by the presentation of a forged duplicate certificate, or of a forged deed or other instrument, shall be null and void. In case of the loss or theft of an owner's duplicate certificate, notice shall be sent by the owner, or by a person in his behalf, to the recorder of the county in which the land lies, as soon as the loss or theft is discovered.

Section 8572-42. SECTION 42. Upon the death of a registered owner his heirs or devisees or one or more of them, or the assignee for the benefit of creditors or administrators or executors or holder of an involuntary lien or charge against the interest of any such heir or devisee or their heirs or devisees, or an heir, devisee, administrator or executor of a deceased heir or devisee of such heir or devisee of a deceased registered owner, may at any time after the expiration of thirty days from his death, if he died intestate, or from the probate of his will and the election of the relict, if any, thereunder, if he died testate, make application to the court for registration of the title of the deceased in such heirs and devisees according to their respective rights and interests. The application shall be sworn to and shall set forth the lands of which such registered owner died seized, giving reference to the certificates therefor, whether he left a will, and if so a copy of the same, shall state the name in full, residence and postoffice address of the relict, if any, and of each devisee and heir, and of each relict, heir or devisee of any deceased heir or devisee, and of each person then having or holding any interest or estate, present or future, vested or contingent, in said lands derived by devise or inheritance from such deceased owner or by descent or devise from any person subsequent to his death, so far as the applicants after diligent research and inquiry, have been able to ascertain the same, and that to the knowledge, information and belief of the applicants, no other person or persons, whether in being or unborn, have any interest or estate, present or future, vested or contingent, in said premises, except as stated. If any persons in interest are under disability of any kind, the nature thereof shall be stated and the name, residence and postoffice address of their guardian or trustee, if any, given, and if a minor, their age stated. All persons in interest not joining in the application shall be made defendants thereto and may be notified and brought before the court, either in the manner provided for in original registration or by summons or other process as provided by law in civil actions, as the court may direct. In case there should appear, from the application or otherwise, to be any doubt or uncertainty as to persons then holding interests in the land as aforesaid, or if the name or residence of any such person is unknown, then by name if known, and if not, under the designation of "all persons having an interest in the land herein described," all persons whomsoever shall be made parties to the application and served by publication of notice as pro-

How and by whom application for registration shall be made on the death of registered owner.

vided for in original registration, or as provided in civil actions, as the court may direct. A guardian ad litem, in proper cases, shall be appointed by the court with like duties as in cases of initial registration. The decree of registration and certificates thereunder shall be in like form and number and have like force and effect as in original registration, except that the same, in case they are issued before the estate of the deceased owner is finally settled, or before the time for contesting his will has expired, or before the final determination of any suit to contest or set aside his will, shall expressly state that they are entered and issued by transfer from the last registered owner, by descent or devise, subject to final settlement of the estate and right to contest the will of such deceased owner. After the final settlement of the estate in the probate court, and the expiration of the time for contest of the will or the final determination of suit to contest the will, the heirs at law or devisees or other persons in interest may petition the court for an order to cancel the memorandum upon such certificate, stating that the same is subject to final settlement of the estate and right to contest the will, and the court, after notice and a hearing, may grant the petition; but the liability of heirs of registered land for claims against the estate of the deceased shall not in any way be diminished or changed. No voluntary instrument or deed of an administrator, executor, assignee for the benefit of creditors, sheriff, master commissioner or other officer purporting to transfer or create a lien or charge upon any estate or interest of such devisee or heir in such registered land or to authorize the same to be done, shall have any effect in law or equity to accomplish such purpose until the title of such heir or devisee is registered as herein provided. An involuntary lien, charge or lis pendens against the interest of a relict, heir or devisee in the lands of a deceased registered owner can, prior to the registration of the title of such relict, heir or devisee, only be obtained by filing the proper papers with the recorder as in other cases and the recorder making entry thereof as a memorial on the registered certificate of title of such deceased owner giving the name, residence and postoffice address of the relict, heir or devisee against whom said lien, charge, or lis pendens is to operate.

The provisions of this section shall not in any way affect or impair the jurisdiction of the probate court to authorize an executor or administrator to sell or convey registered land for any purpose for which authority may be granted in the case of unregistered land. The transferee who takes a deed which is executed in pursuance of such authority to sell or convey shall be entitled to a new certificate of title, or memorandum of registration.

Section 8572-43. SECTION 43. When the will of a deceased registered owner of real property, or any estate, right or interest therein, empowers the executor or executors to sell, encumber or otherwise deal with such property, state, right or

interest, it shall not be necessary for such executor or executors to be registered as the owner or owners thereof; but any person who acquires title through or by virtue of the execution of such power may have such title registered, by application to and order of the court made after notice to all persons in interest to be given by the clerk by registered mail or otherwise as the court may direct.

Purchaser acquiring title through executor may have same registered.

Section 8572-44. SECTION 44. Whenever any registered land or estate or interest therein is intended to be charged or made security in favor of any mortgagee, the mortgagor shall execute a mortgage deed in any form recognized by law; and whenever any such land is intended to be charged with, or made security for the payment of an annuity, rent charge, sum of money, or any other charge or lien, in favor of any incumbrance or lien holder, the encumbrance shall execute an instrument of encumbrance in any form recognized by law. Every instrument aforesaid shall contain a pertinent description of the land and an accurate statement of the estate or interest intended to be mortgaged, charged or encumbered, and when duly registered shall operate as a lien or charge upon and bind the land covered thereby for the period ending fifteen years after the maturity of the last debt or obligation secured thereby. A trust deed in the nature of a mortgage shall be deemed to be a mortgage and be subject to the same rules as a mortgage, for all purposes under this act.

How registered estate charged with encumbrance.

Section 8572-45. SECTION 45. On the filing in the recorder's office of such mortgage, incumbrance, or other instrument intended to create a lien upon or charge against such registered land, and the production of the owner's duplicate certificate of title, and it appearing to the recorder that the person intending to create the lien or charge set forth in such instrument, has such right, and that the person in whose favor the same is sought to be created is entitled by the terms of this act to have the same entered as a memorial upon the register, the recorder shall enter upon the proper folium of the register, where such title is registered and also upon the owner's duplicate certificate of title, a memorial accurately stating the purport and nature of the lien or charge created, the date of filing the instrument and its file number. The recorder shall also note upon the instrument filed with him the volume and folium of the register where the memorial is entered. The recorder shall also at any time after registration of a mortgage, upon the request of the mortgagee and the tender of the proper fee therefor, make and deliver to the mortgagee a duplicate of the owner's registered certificate of title but having endorsed, stamped or printed thereon in large letters the words "Mortgagee's Duplicate Certificate" instead of "Owner's Duplicate Certificate", and shall note on the registered certificate of title the fact and date of making and delivering such duplicate and to whom delivered. And in case of the loss or destruction of such mortgagee's duplicate certificate another may be issued to him in like

How mortgage encumbrance entered; mortgagee's duplicate certificate.

manner as provided in section twenty-eight in reference to the loss or destruction of an owner's duplicate certificate.

Section 8572-46. Instruments made in duplicate and triplicate; filing and notation.

SECTION 46. When any mortgage, lease or other instrument affecting registered land, or any estate or interest therein, is in duplicate, triplicate or more parts, only one of the parts need be filed and kept in the recorder's office, but the recorder shall note upon the register whether the same is in duplicate, triplicate or as the same may be, and shall also mark upon the others "mortgagee's duplicate", "lessor's duplicate", "lessee's duplicate", "encumbrancer's duplicate", or as the case may be, and note upon the same the date of filing and the volume and folium of the register where the memorial is entered, and deliver them to the persons entitled thereto. Certified copies of all instruments which are filed and registered may be obtained at any time, upon the payment of the recorder's fees. A mortgagee may obtain a certified copy of the mortgage which shall have stamped or printed in large letters across the face thereof "Mortgagee's Certified Copy of Mortgage", and the issuing thereof shall be noted on the registered memorial of the mortgage, which certified copy may be used by him for all purposes of assignment and release the same as could the original if retained by him.

Section 8572-47. Records in addition to registration.

SECTION 47. The recorder, upon the written request of the lessee, mortgagee or encumbrancee, and payment of the proper fees, shall, in addition to registering the same, also record the instrument filed in his office in volumes to be known respectively as "records of liens on registered land" and "record of leases on registered land", and shall note on such instrument and on the volume and folium of the register containing the certificate of title, the fact of such record and the volume and page where so recorded, with the exact time thereof; and shall deliver the said instrument after such record and notation to the party named as mortgagee, lessee, or encumbrancee, as the case may be, and take his receipt therefor, with his residence and postoffice address, which receipt shall either be taken in or pasted or bound in a book kept for that purpose and properly indexed.

Section 8572-48. Assignment of lease, encumbrance, etc., upon registered land; how made.

SECTION 48. The holder of any mortgage, incumbrance, lease, charge or lien upon registered land, desiring to assign the same or any part thereof, may execute to the transferee an assignment for the whole or any part thereof, by endorsement thereof on the original instrument itself, or on the holder's duplicate thereof, or on the mortgagee's certified copy of a mortgage or by a separate instrument witnessed and acknowledged as a deed. The assignment of a part only must state whether the part transferred is to be given priority, be deferred, or rank equally with the remaining part. Upon such assignment being filed with the recorder and the production of the instrument held by the assignor, if the same be the original instrument or one of the original duplicates thereof, and in the case of a

mortgage upon the production of the "Mortgagee's certified copy," if one was issued and delivered, the recorder, being satisfied that the assignment is properly made and should be registered, shall register such assignment by entering upon the register where such instrument creating the charge is registered, and in case of assignment by separate instrument, upon the original instrument itself, a memorial of the amount or part so transferred, date of transfer, name, residence and postoffice address of transferee, how to rank, and file number; on the instrument of assignment he shall endorse the exact time of filing and the volume and folium of the register where registered; and in case the original instrument, or one of the duplicates thereof, creating such lien, lease or charge, is recorded, the assignee may, on payment of the recorder's fees therefor, also have such assignment copied on the margin of the record of the instrument assigned or in a separate volume and noted on the margin of the record of the instrument assigned, if the recorder keeps any such separate volume for the record of assignments and transfers, the record of such assignment to be duly noted on the indexes of the instrument assigned. Where the original instrument or one of the original duplicates thereof duly endorsed by the recorder, or a mortgagee's certified copy of the mortgage, is outstanding in the hands of the incumbrancee, lessee or their assigns, no entry or memorial of an assignment or transfer of such instrument or security or any part thereof shall be made by the recorder without the production of such original instrument, or the said duly endorsed original duplicate thereof or the mortgagee's certified copy.

Section 8572-49. Entry of release or discharge of encumbrance; how obtained.

SECTION 49. When any registered mortgage, encumbrance, lien, charge or lesser estate, vested, contingent, expectant or inchoate, is satisfied, released, extinguished or terminated in any manner in whole or in part, it shall be the duty of the mortgagee, encumbrancee, assignee, owner of lesser estate or his legal representatives, holder of lien or other person authorized by law to discharge or release the same, to forthwith file with the recorder or deliver to the encumbrancer or owner satisfaction, release or discharge in whole or in part, as the case may be, executed according to law, and the recorder shall enter such satisfaction, release or discharge upon the registered certificate of title, upon the original instrument on file or the margin of the record thereof, if recorded, and properly note such cancellation in all the indexes of such mortgage, encumbrance, lien or charge. In case an original instrument or one of the original duplicates thereof or a mortgagee's certified copy duly endorsed by the recorder, is outstanding in the hands of the encumbrancee or his assigns, no entry or memorial of satisfaction of such instrument shall, except upon notice and a hearing, be made by the recorder without the production of said original instrument or original duplicate thereof or mortgagee's certified copy. In

case of the failure of the encumbrancee, owner of lesser estate or his legal representative or other person, to file with the recorder or deliver to the encumbrancer such satisfaction or release or in case the same or any of them have been delivered to the encumbrancer or transferer and have become lost or destroyed or from any other cause cannot be produced, then the encumbrancer, transferer or other person entitled to such discharge or release may present proof of the same before the recorder, ten days' notice having been given to the person or his personal and legal representatives holding the security or lesser estate and all persons in interest as shown by the records, or as known, and upon the recorder being convinced that such mortgage, encumbrance or other charge has been satisfied, or that said lesser estate has been extinguished or terminated as claimed, he shall enter such satisfaction, release, extinguishment or termination on the instrument on file with him or the record thereof, if recorded, and endorse the same upon the registered and also on the owner's duplicate certificate of title; or application in such cases may be made to the court by petition and the court upon notice and hearing shall make such order as is appropriate and the recorder shall act in accordance therewith, and the entry of such discharge, satisfaction, release, extinguishment or termination by the recorder pursuant to his finding or the order of the court, subject to proceedings on appeal or error, shall be conclusive evidence thereof.

Section 8572-50.

When decree or order of court shall become a lien upon registered land.

SECTION 50. No judgment or decree or order of court shall be a lien upon or affect registered land, or any estate or interest therein until a certificate under the hand and official seal of the clerk of the court in which the case is entered, or of record, stating the date and purport of the judgment, decree or order, or other action of the court taken, giving the number of the case, the full names of the parties, plaintiff and defendant and the volume and page of the journal or record in which it is entered, or certified copy of such judgment, decree, order or action of the court, stating the facts above required, is filed and noted in the office of the recorder; and upon such filing a memorial of the same shall be entered by the recorder upon the folium of the register in which the title to the land to be affected is last registered.

Section 8572-51.

How and when a judgment of a justice of the peace, mayor, etc., becomes a lien upon registered land.

SECTION 51. Whenever any transcript from the docket of a justice of the peace or mayor, or other officer or tribunal which is now or may hereafter be empowered by law to render judgment, is filed in the clerk's office for a lien, the party or his agent or attorney filing the same is hereby required to notify the clerk as to the fact whether the land upon which the lien is sought is registered. If registered, in addition to the fee now required to be paid, such party shall pay to the clerk his fee for a certificate which the clerk shall thereupon issue to such party under his hand and the seal of the court stating the number of the case, parties, date of the judgment, amount of judg-

ment and costs, and the exact time when filed in his office, and the volume and page where entered. Such party so receiving the said certificate shall file the same with the recorder, who shall make notation of the filing and enter a memorial thereof on the last registered certificate of title for such land. No lien shall attach to any registered land under such transcript until such certificate is filed with the recorder and by him noted as aforesaid.

Section 8572-52. When lien attaches in proceedings in execution, attachment, etc.

SECTION 52. When any registered land is levied upon or seized by virtue of any writ of attachment, execution, or other process, it shall be the duty of the officer making such levy or seizure, forthwith to file with the recorder a certificate of the fact of such levy or seizure, stating the court from which it was issued, the number of the case, parties to the suit, amount of claim, the precise date of the attachment, levy, seizure, or other action taken, with a pertinent description of the land, a memorial of which shall forthwith be entered by the recorder upon the registered certificate of title for such land, and no lien shall attach to or be created upon any registered land by reason of such attachment, levy or seizure or other action taken, until the filing of such certificate with the recorder and his notation thereof on the last registered certificate of title, any notice thereof, actual or constructive, to the contrary notwithstanding.

Section 8572-53. Proceedings by officer when writ issued from county other than where land situated.

SECTION 53. Whenever a sheriff or other officer seizes or levies upon any registered land by virtue of an execution, order of attachment or other writ issued to him from a county other than where the land is situate, such sheriff shall forthwith file with the recorder a duly certified copy of the writ, and his doings thereunder, and the return made by him as such sheriff thereon, which return shall show the exact time when the seizure or levy was made. The sheriff shall also indorse on said writ, and as a part of his return, "land seized (levied upon or attached, as the case may be), is registered land," and that he filed such copy with the recorder, giving the exact time of filing. Upon the receipt of said copies of said writ and return, the recorder shall forthwith file and make notation of the same and enter a memorial thereof upon the appropriate folium of the register containing the last registered certificate of title for such land, with the exact time of filing. Until said certified copy of the writ and return so required to be made is filed with the recorder and by him noted on the last registered certificate of title for such land, the land shall not be bound by such seizure or levy or any lien obtained thereby.

Section 8572-54. How mechanic's, laborer's, etc., accounts made a lien.

SECTION 54. Whenever any attested account to obtain a mechanic's or material man's or laborer's lien is filed in the office of the county recorder whereby a lien is sought to be obtained upon any registered land, it is hereby made the duty of the recorder to forthwith make notation and enter a memorial thereof upon the folium of the register

where the last certificate of title to the land is registered, stating the name of the claimant, amount claimed, volume and folium of the record where recorded and the exact time when said memorial was entered, and no lien shall attach to said land until such notation is so entered by the recorder.

Section 8572-55.

When action or proceeding deemed lis pendens.

SECTION 55. No suit, action or proceeding, pending in any court, for any purpose whatever, affecting registered land or any estate or interest therein or any charge upon the same, shall be deemed to be lis pendens, or notice to any person dealing with the same, until a certificate of the pendency of such suit, bill or proceeding, under the hand and official seal of the clerk of the court in which it is pending, shall be filed with the recorder, and a memorial thereof by him entered upon the last registered certificate of title to the land to be affected. This section shall not apply to attachment or other proceedings, where the officer making the attachment or levy, by the provisions of this act is required to file with the recorder a certificate of his doings under the writ in his hands and shall have so done.

Certificate of officer showing discharge or release.

When any suit, bill or proceeding, has been dismissed or otherwise disposed of, or any judgment, decree or order has been satisfied, released, reversed or modified, or any levy of execution, attachment or other process has been released, discharged or otherwise disposed of, it shall be the duty of the sheriff, or the clerk of the court in which such proceedings were pending or had, as the case may be, forthwith under his hand, and if the clerk under the seal of the court, to certify to and file with the recorder an instrument showing such discharge, release, dismissal or final disposition. Upon the same being filed with him the recorder shall enter a memorial thereof on the last registered certificate of title opposite or under the memorial registering such suit, bill, proceeding or charge. The costs of such certificate and memorial shall be taxed as other costs in the case.

Section 8572-56.

Notice and list of lands assessed must be filed with recorder.

SECTION 56. When in a city, village, township or county, an ordinance, resolution or order is passed or made by a council, board or other authority, to lay out, establish, alter, widen, grade, regrade, relocate or construct or repair a highway, road, street, sidewalk, drain or sewer, or to make any other public improvement, or to do any work, the whole or a portion of the expense of which may be assessed or levied upon real estate, if any registered land or any land included in an application for registration then pending is affected by the act or proceeding, and liable to such assessment, or if an ordinance or resolution is passed making or levying any such assessments on registered real estate or certifying to the auditor or other officer or board any such assessments to be made or levied on any registered land, the clerk of the board or council passing such ordinance, resolution or order or issuing such certificate, shall file in the recorder's office a notice of the passage or issuance thereof giving a list of the lands assessed, or to

be assessed and a memorial thereof shall thereupon be noted by the recorder on the register of each certificate of title for such land. Unless there is filed with the recorder such notice and list of lands, registered lands shall not be liable for such assessments. In case of the repeal or nullification otherwise of such ordinance, resolution or order, such clerk or officer or board shall within five days thereafter notify the recorder thereof who shall thereupon cancel such memorials.

Section 8572-57. SECTION 57. The holder of any certificate of sale of registered land, or any estate or interest therein, for any tax, assessment or imposition, shall forthwith present the same to the recorder, who shall thereupon enter upon the registered certificate of title of the land a memorial thereof, stating the amount and day of sale, the date of presentation, and shall enter upon the certificate of sale the date of presentation and book and folium of the register where the memorial is entered.

Certificate of sale must be presented to recorder; notation.

Section 8572-58. SECTION 58. A tax deed of registered land, or an estate or interest therein, issued in pursuance of any sale for a tax, assessment or other imposition, made after the taking effect of this act, shall have only the effect of an agreement for the transfer of the title upon the register. And before any person dealing with such land shall be affected by such tax deed said deed must be filed in the recorder's office and a memorial of such filing be made by the recorder on the registered certificate of title for such land. But no registration of title under such tax deed shall be made, or certificate of title issued thereon, unless the tax deed is filed within sixty days after its date, or in any case except upon the order of the court, on application therefor by petition to which all persons in interest shall be made parties and brought before the court. Any person interested in the land may show, as cause why such certificate of title shall not issue, any fact that might be shown at law or in equity on his behalf to set aside such tax deed; and the party named in the tax deed shall be required to show affirmatively that all of the requirements of the statute to entitle him to a deed have been strictly complied with; and in such suit the court may decree such deed and tax sale under which the same was issued to be invalid for the purposes of entitling the purchaser or grantee to a transfer of the title to said land and order the same to be cancelled upon the payment by any party in interest to said purchaser or grantee of the amount so paid by him on such tax sale and subsequently as taxes on the property, together with interest on all such sums.

No registration or certificate of title shall issue upon tax deed except on order of court.

Section 8572-59. SECTION 59. In any suit or proceeding in any of the courts of record in this state in which registered land may be partitioned or sold, or the title to any part thereof or to any estate or interest in or lien or charge upon the same, may be transferred or affected by the orders or judgment of the court, no confirmation of such partition, sale or transfer shall be made by the court, or decree settling or

Partition, sale, etc., confirmed only on report of examiner of titles.

affecting title entered, until there is first filed in the case the report of an examiner of titles to whom the matter shall be referred by the court for that purpose, showing that all necessary parties to such suit or proceeding have been made and properly brought before the court and that the proceedings and sale have in all respects been regular and pursuant to law and the orders of the court. The court shall not be bound by the report of such examiner but may inquire into the correctness thereof.

Section 8572-60. When title vests in and certificates issued to allottees in partition.

SECTION 60. On the confirmation of the report of commissioners setting off registered lands in proceedings for partition, it shall be the duty of the parties to whom the lands are allotted to cause a certified copy of the judgment or decree to be filed with the recorder. Thereupon the recorder shall transfer the same upon the register and issue new certificates of title to the respective allottees. Title in severalty shall not vest until such registration.

Section 8572-61. When mortgage or other liens attach to lands set off.

SECTION 61. When any mortgage or other lien or interest exists upon or in an undivided interest, and the same is set off in severalty in proceedings for partition, such mortgage, other lien or interest shall attach only to the lands so set off, and the recorder shall note the same upon the register of the new certificates of title, and shall endorse a memorandum of the partition upon the instrument creating such lien, mortgage or other interest before a new certificate of title shall issue to the allottee.

Section 8572-62. Transfer of title under order of sale.

SECTION 62. Whenever registered land shall be sold to satisfy any judgment decree or order of the court, or the title is transferred or affected by a decree or judgment of the court, the purchaser, or the person in whose favor such decree was rendered, on filing with the recorder a certificate of the officer that the terms of sale have been complied with and a certified copy of the order of sale and return thereof and confirmation, or a certified copy of the decree of the court transferring or affecting the title, as the case may be, shall be entitled to have the property transferred to him and his title registered accordingly and a new certificate of title issued therefor.

Section 8572-63. Transfer of title by assignee, trustee, etc.; procedure.

SECTION 63. Before an assignee or trustee for the benefit of creditors, receiver, master commissioner, special master commissioner, executor or other person appointed by a court, shall deal with or transfer registered land, or any estate or interest therein, he shall file in the recorder's office a certified copy of the deed, order of the court, will or other authority showing that such assignee, receiver, master commissioner, special master commissioner, executor or other person, is authorized to deal with or transfer such land, estate or interest, and he shall present to the recorder the duplicate certificate of title for such land; and thereupon the recorder shall enter upon the registered certificate and on the duplicate certificate of title, a memorial thereof, with a reference to such deed, order of the court, will or other authority by its file number. In case of a deed of the land in fee simple to the assignee, receiver, or other officer,

the recorder shall register the title in the name of such transferee and issue to him a certificate of title, stating therein the purpose for which the land was transferred to him.

Section 8572-64. SECTION 64. In all suits to sell an estate in fee in the whole of unregistered land brought by an assignee or trustee for the benefit of creditors, commissioners of insolvents, receiver, master commissioner, administrator, executor or other person appointed by a court and in all suits to partition unregistered land held in fee, proper allegations and parties necessary to a decree for original registration of the title to said estate shall be made in the petition, the said allegations to be included in a separate cause of action, and said title, before any order of sale or partition shall be made or entered in the case, shall be registered as provided in this act, in the name of the person, whether living or dead, whose title is sought to be sold, or in the names of the tenants in common, as the case may be, except that, if the legal title is in any such assignee, trustee, receiver or other person appointed by a court, the same shall be so registered and the purposes for which said legal title is held stated in the decree and certificate of title. Upon any such sale or partition and confirmation thereof the title shall be transferred to and registered in the name of the purchaser or purchasers or allottees as in other cases of judicial sales or partition of registered land. And if such land is not so sold the person entitled thereto may procure a transfer and certificate therefor to be made to him by application to and order of the court, made after hearing upon notice to all persons in interest to be given by the clerk by registered mail or otherwise as the court may direct. In any such suit all parties shall for all purposes of the case be brought before the court in the manner provided for original registration in other cases. The court may, for good cause shown, in any case provided for in this section, if an adverse report of an examiner of titles has been filed in the case, enter an order dispensing with registration or permit the withdrawal of the application to register.

Proceedings to sell fee in unregistered land by assignee, trustee, etc.

Section 8572-65. SECTION 65. Trusts may be declared upon registered land, or upon any interest therein, by deed or other instrument in writing, fully and clearly defining the trusts, conditions and limitations, and the powers and duties of the trustee and giving his name, residence and postoffice address and the name, residence and postoffice address of each beneficiary. On such deed of trust or other instrument being filed with the recorder, accompanied with the owner's duplicate certificate of title, if the recorder shall find that the grantor had the right to make such grant, and the trustee the right to receive it, and the instrument is in conformity to the provisions of this act, he shall register the same in like manner as other instruments are registered under this act and shall also enter on the registered and duplicate certificate of title, memorials of the terms, conditions and

How trusts may be declared upon registered land; notations.

limitations of the trust, and also in plain letters the words "in trust", and record such deed of trust in the "record of trusts and exceptional estates" and note the volume and folium where such instrument is recorded; and thereafter no transfer, charge or other dealing with the land, estate or interest, shall be registered, unless the opinion of the court, certified to the recorder, shall be first obtained, that such transfer or dealing is in accordance with the true intent and meaning of the trust. And in case the court has doubt as to the true intent and meaning of the trust, the court shall order an issue to be made up and all parties in interest notified and the court shall hear and determine the matter and make such order therein as is in accordance with law and the provisions of this act.

Section 8572-66. Attachment of rights of dower and homestead.

SECTION 66. Rights of dower and homestead shall attach to registered land, subject to the limitations contained in this act, but unless it shall be made to appear, on the last registered certificate of title, that they are so attached, before any person has acquired an interest in such land in good faith and for a valuable consideration, it shall not prejudice such person.

Section 8572-67. Proceedings in eminent domain.

SECTION 67. Whenever registered land, or any interest therein, is sought to be taken in the exercise of the right of eminent domain, notice of the proceedings with a pertinent description of the lands sought to be appropriated together with the name of the owner, shall be filed with the recorder, and a memorial made on the last registered certificate of title of the lands sought to be appropriated.

No title shall pass until a certified copy of the order of appropriation made by the court, setting forth by whom appropriated, from whom, and the amount less of land appropriated, with an accurate description and plat thereof, and that the damages assessed have been paid or secured to be paid, shall be filed with the recorder under the seal of the court. On filing of such order, description and plat the recorder shall note on the last registered certificate of title of the owner whose lands have been appropriated, the amount appropriated, in exact terms, and shall register in the name of the person, corporation, or other body entitled thereto, the title of the land taken, and issue a certificate therefor. If land which was taken for a public use reverts by operation of law to the owner from whom it was taken or to his heirs or assigns, the court upon petition of the person entitled to the benefit of the reversion, after notice and a hearing, may order the entry of a new certificate of title to him.

Section 8572-68. Proceedings by adverse claimant.

SECTION 68. Any person desiring to assert any interest in or claim or lien against registered land adverse to the title of any registered owner, and not shown upon the register when no provision is by this act made for registering the same in the recorder's office, may make affidavit thereto, setting forth his interest, right, title, claim, lien, charge or demand, and how and under whom derived, and the character and nature thereof. The affiant shall state his full

name, place of residence and postoffice address and shall designate a place within the state at which all notices relating thereto may be served upon him; or if he be a non-resident of the state, the name, residence and postoffice address of some person residing within the state upon whom service may be made as his agent and by which service he will be bound the same as if made upon the claimant within the state. Upon the filing of such affidavit in the recorder's office the recorder shall enter forthwith a memorial thereof, upon the registered certificate of title, stating the exact time when said affidavit was filed and the purport and nature thereof.

Section 8572-69. SECTION 69. In all cases provided for in the preceding section the claimant shall, within ten days, notify the registered owner by registered letter with five days' return card thereon directed to his registered address, of the filing of such affidavit and claim and make proof thereof to the satisfaction of the recorder. Every claimant failing to serve such notice within said ten days or to make proof thereof within thirty days after such filing, shall be held to have released said claim and waived his right to have such claim appear upon the register, and the recorder shall cancel the same.

Notice by claimant to registered owner.

Section 8572-70. SECTION 70. Before any person can convey, transfer, charge or otherwise deal with any registered land, or any estate or interest therein, as an attorney in fact for another, the deed or instrument empowering such person to so act shall be filed with the recorder and a memorial thereof entered upon the registered certificate of title giving the exact time of the filing. Such power of attorney may be revoked by revocation in writing, as provided by law, but such revocation shall not take effect until the same is filed with the recorder and noted as a memorial on the register of title. Death shall not effect a revocation of such power until notice of the same is filed with the recorder and duly entered on the certificate of title.

Power of attorney must be filed with recorder; revocation.

Section 8572-71. SECTION 71. The deed or instrument constituting a person an attorney in fact shall state the full name of the party appointing, and of the person appointed, and the residence and postoffice address of each; shall give the number of the oustanding certificate of title, and the volume and folium of the register; shall contain a description of the land, which shall be the same as given in the certificate of title; shall briefly state the powers conferred upon the attorney in fact; shall be signed by the person making the same and duly witnessed and acknowledged as a deed.

Statements in instrument constituting a person an attorney in fact.

Section 8572-72. SECTION 72. After a title has been registered and a certificate issued therefor or after a memorandum, notation or memorial has been made on the register of titles and has been attested, no alteration or erasure shall be made therein except in the manner herein provided.

A person whose name has been changed since the issuing of a certificate of title or who was registered as married but the marriage has terminated, or whose name was by mistake wrongly stated in a registered certificate, must,

Alterations or erasures not permitted; exceptions.

upon satisfying the recorder of the facts, surrender his duplicate certificate and take out a new one in his or her correct or changed name, and a memorandum of such change or correction, giving date thereof, must be entered and attested by the recorder. This provision shall apply to every person holding a registered interest in or upon land, and no transfer or assignment shall be registered until such change or correction is made.

Correction of mistakes.

Whenever it appears that there is an error or omission in any certificate of title or memorandum or memorial, or that any memorandum or memorial has been made, entered and endorsed, or certificate of title entered or issued by mistake, or that any certificate of title has by mistake or otherwise been improperly cancelled or improperly removed from the record, the recorder may, on his own motion, or upon the application of any person interested, summon all persons registered as interested in the lands to which such certificate of title, memorandum or memorial relates, to appear at an appointed time, and produce their certificates of title or registered instruments, and if at the appointed time the recorder shall find such error or omission or mistake or such improper cancellation or improper removal of a certificate of title to exist, and that no rights of bona fide purchasers or lien holders for value have intervened whereby his or their estate or interest shall be impaired by the correction of such error, omission or mistake, or by the restoration to the register of any such improperly cancelled or improperly removed certificate of title, he shall correct such error or mistake, or supply the omission, and may correct the cancellation of any certificate of title or registered instrument or any memorandum or memorial entered upon the registration book, or endorsed upon the registered instrument or certificate of title, by mistake, or restore to the register such improperly cancelled or improperly removed certificate of title, provided that in correcting any such error or mistake the original words shall not be erased or rendered illegible; and the recorder shall attest such corrections and restorations by affixing his initials or name and the date thereof.

Section 8572-73.

When deed, mortgage, etc., shall take effect.

SECTION 73. A deed, mortgage, lease or other instrument purporting to convey, transfer, mortgage, lease, charge or otherwise deal with registered land, or any estate or interest therein, or charge upon the same, other than a will or a lease for a term not exceeding three years where the land is in the actual possession of the lessee or his assigns, shall take effect only by way of contract between the parties thereto and as authority to the recorder to register the transfer, mortgage, lease, charge or other dealing upon compliance with the terms of this act.

Section 8572-74.

Application for continuation and certification of duplicate certificate of title.

SECTION 74. The holder of a duplicate certificate of title may at any time present the same to the recorder and request that he continue same down to date and enter thereon all memorials and notations on the registered certificate of title, not appearing on such duplicate certificate, and also enter references to all instruments filed and noted but

not yet entered as memorials on the registered certificate of title; and thereupon the recorder shall make such entries and duly certify the same giving the minute, hour, day and year of such certification. At the time of making application for such continuation and certification of a duplicate certificate of title, the registered owner may file with the recorder an affidavit that said application is made in good faith for the purpose of closing up a bona fide transfer or incumbrance of the land or some part thereof described in such duplicate certificate, naming the proposed transferee or incumbrancee, and thereupon the recorder shall note upon the registered certificate and also upon the duplicate certificate of title a stay of registration for the period of 24 hours of all instruments and papers affecting said land other than those relating to or connected with such proposed transfer or incumbrance; and all such other instruments and papers so filed within said 24 hours shall be registered after and subordinate to such instruments relating to or connected with such proposed transfer or incumbrance provided the latter are filed within said 24 hours.

Section 8572-75. SECTION 75. Every voluntary instrument intended to be used in transferring any title or estate in registered land, or in creating any lien or charge thereon, or assigning, releasing or discharging any lien or charge in whole or in part, and every certificate or other paper filed with the recorder for the purpose of acquiring or creating an involuntary lien, interest or charge upon registered land, shall at least refer by number to the certificate of title covering such land or containing a memorial of such interest, lien or charge, such reference to be contained in the body of all voluntary instruments and in the case of such certificate or papers so filed to acquire involuntary interests, liens, or charges to be either in the body thereof or indorsed thereon and the indorsement duly signed by the proper officer or a person in interest. And in case only a part of the land covered by such certificate of title is sought to be affected, an accurate description of such part enabling the same to be definitely located and platted shall be given in such voluntary instrument, or in or upon such certificate or paper so filed, in addition to such reference to the certificate of title by number.

References required in instruments transferring title or creating or discharging liens.

Section 8572-76 SECTION 76. Every deed or other voluntary instrument which is presented for registration, and every instrument or paper filed with the recorder by any person or officer under any of the provisions of this act or any amendment thereof for the purpose of acquiring or affecting in any way an involuntary interest in or lien or charge upon registered land, shall contain or have indorsed upon it the full name, county of residence and postoffice address of the grantee or other person who acquires or claims or is seeking to acquire or claim an interest under such instrument or to affect thereby some estate or interest in or lien or charge upon said registered land; and every deed shall also state whether the grantor and also the grantee is married or unmarried, and

What statements or endorsements instruments presented for registration shall contain.

if married, the name in full of the husband or wife. Any change in the residence or postoffice address of any such person shall by sworn statement of the party or his duly authorized agent or attorney immediately be filed with the recorder, who shall indorse the same on the original instrument and on the record thereof if recorded. The names, residences and addresses of all such persons, and all sworn changes thereof, shall also be entered on all certificates of title in the register.

Section 8572-77. SECTION 77. In all suits and proceedings in any of the courts of this state in which any estate or interest in or lien or charge upon registered land is in any way involved or affected, or any registered land is to be sold or the title otherwise transferred, all persons shown by the registered certificate of title to have any interest in the subject matter of the suit or proceeding, and all other persons known or appearing to have an interest, shall be made parties and properly brought before the court and shall be bound and concluded by the orders, judgments and decrees of the court in the same manner and to the same extent as in the initial registration of title to land as provided in this act. And the residence and postoffice address of any party in interest as shown by the certificate of title or memorials or memoranda indorsed thereon in the office of the recorder, unless known by the plaintiff or party required to cause notice to be given to be incorrect, may be treated and regarded as the correct residence and address of such party in interest and service made accordingly whether he resides within or without the state. And in any matter or proceeding before the recorder in relation to registered land or any interest in or lien or charge upon the same, when notice is required to be or may be given, such residence and address, in the absence of knowledge to the contrary, may be treated and regarded as correct and service made accordingly. In all such suits and proceedings in any court of the state or matters or proceedings before a recorder relating to registered land or any interest in or lien or charge upon the same, service of summons or notice may be made on any party in interest by the clerk of court or recorder by mailing to such party such summons or notice in a registered letter with a five days' return card thereon, directed to his postoffice address as shown by the registered certificate of title, or if not so shown, to his known postoffice address. In case said letter is not by the postal authorities returned to the officer mailing the same, such service shall be deemed and held to have been actually made. In case said letter is so returned then upon the filing of an affidavit of the plaintiff or other party required to give notice or his attorney that he knows and after diligent research has been unable to learn of any other residence and address of such party in interest than those stated in the registered certificate of title, or that he has been unable to learn the residence and address of any person in interest whose name, residence and address is not so shown by the registered cer-

Who shall be made parties.

Residence.

Service of notice or summons.

tificate of title, if such person in interest is shown by the registered certificate or is known to be a resident of Ohio, summons as provided in civil actions shall be issued for him to the sheriff of the county of his residence as so shown or known, and if returned "not found", such person and also like person not so shown or known to reside in the state, may be served by publication as in other cases, or as in original registration, as one whose residence is unknown; and unknown heirs and devisees, and all other unknown persons, whether in being or not, under the term and designation of "whom it may concern" may be made parties and served by publication as in original registration or as in other civil cases, and all such persons so made parties and so served shall be bound and concluded by the judgment or decree with no right to question the same except upon error or appeal or for fraud of the successful party in procuring same to be asserted only against persons not bona fide purchasers or incumbrancers, or persons holding under them, by suit to be brought within one year from the entry of such judgment or decree.

Section 8572-78. Notice to registered owner upon the filing of instruments.

SECTION 78. Upon the filing of any voluntary instrument of transfer, incumbrance, assignment, release or satisfaction the recorder shall at once give notice thereof to the registered owner or holder, as the case may be, by letter mailed to his registered address, unless he be personally present at the time of such filing; and upon the filing of any paper for the purpose of acquiring an involuntary lien, charge or interest on or in registered land, the recorder shall at once give like notice to the registered owner.

Section 8572-79. Notice of appeal; petition, bond, transcript.

SECTION 79. Any person feeling himself aggrieved by the action, finding or decision of the recorder, or by his refusal to act, in any matter pertaining to the first registration of land or any subsequent transfer, or charge, lien, interest or estate in or upon the same, or by his filing or failing, neglecting or refusing to file any instrument, or entering or cancelling or failing, neglecting or refusing to enter or cancel any memorial or notation, or by his wrongfully doing or by his failing, neglecting or refusing to do any other thing required of him by this act, may within three days thereafter file with the recorder a written notice of intention to appeal and shall within ten days thereafter file in the common pleas court a petition setting forth the matter complained of and making the recorder and other persons whose interests may be affected, parties defendant, who shall be notified by summons or other process as provided by law in civil actions or by registered mail and other process as provided in cases of original registration. Such person shall also file with his petition a bond with sureties to the approval of the clerk in such sum as may be fixed by a judge of said court or of the probate court conditioned for the due prosecution of such proceeding and payment of all costs and of all damages which any person in interest may suffer in case the judgment of the court should be against the appellant. The recorder shall forthwith after

the filing of such bond file with the clerk of the court a statement or transcript of his doings in the matter complained of. The court shall proceed therein as in other cases and make such order or decree as shall be according to law and equity in the premises and the provisions of this act. The clerk of the court making such order shall, under the seal of the court, make and deliver to the recorder a certified copy thereof who shall file and make entry of the same and otherwise act in pursuance of and according to the terms and directions of such order. Such order shall be final and conclusive.

Section 8572-80. SECTION 80. Except as otherwise provided in this act, the party or parties aggrieved by the final order, judgment or decree of the court, provided for in any of the matters, proceedings, suits or actions under any of the provisions of this act, may appeal or prosecute error, direct either from the court of common pleas or probate court to the court of appeals, and findings of fact and bills of exception may be made and taken and the proceedings to perfect and upon appeal and error shall in all respects be the same as in other civil cases in the common pleas court except that any petition in error must be filed within thirty days after the entry of the final order or decree, and bill of exceptions and transcript of the docket and journal entries may be filed in the court of appeals either at the time of filing in error or within sixty days after the entry of the judgment, order or decree complained of.

Right to appeal or prosecute error in court of appeals.

Section 8572-81. SECTION 81. Registered land, and ownership therein, except as in this act otherwise provided, shall in all respects be subject to the same burdens and incidents which attach by law to unregistered land. The provisions of this act shall not relieve registered land or the owners thereof from any rights incident to the relation of husband or wife, or from liability to attachment or mesne process or levy, on execution, or from liability to any lien of any description established by law on land and the buildings thereon, or the interest of the owner in such land or buildings, or to change the laws of descent, or the rights of partition between cotenants, or the right to take the same by eminent domain, or to relieve such land from liability to be recovered by an assignee in insolvency under the provisions of law relative to preferences, or to change or affect in any way any other rights or liabilities created by law and applicable to unregistered land, except as otherwise expressly provided in this act.

Burdens and incidents of registered land.

Section 8572-82. SECTION 82. Every memorial, notation or cancellation thereof, made on any certificate or duplicate thereof shall be signed by the recorder or his duly authorized deputy or clerk.

Signature of recorder to instruments.

Section 8572-83. SECTION 83. No petition, order, affidavit, certificate, registration or other proceeding under this act shall be invalid by reason of any informality, mistake or technical irregularity therein not affecting the substantial justice of the proceedings or the substantial rights of any party or person in interest.

Mistakes.

Section 8572-84. SECTION 84. In case any person, whether grantor, grantee, mortgagor, mortgagee, lessor, lessee or other person in interest, shall die after the execution of any instrument affecting land and before registration thereof, the registration of such instrument may nevertheless be proceeded with in accordance with this act and shall be valid notwithstanding such death. Death of maker before registration.

Section 8572-85. SECTION 85. No title to registered real property in derogation of that of the registered owner shall be acquired by prescription or adverse possession. Title by prescription or adverse possession.

Section 8572-86. SECTION 86. No land once brought under and made subject to the provisions of this act shall ever be withdrawn therefrom. Withdrawal.

Section 8572-87. SECTION 87. All charges upon registered land, or any estate or interest in the same may be enforced as now provided by law, except as herein otherwise provided. Enforcement of charges.

Section 8572-88. SECTION 88. Voluntary transfer or incumbrance of a registered estate or any interest therein shall be made only as by this act prescribed and by entry on the register of land titles; and no estate, legal or equitable in registered land, shall pass by a mere assignment or delivery of a duplicate certificate of title or other instrument. Transfers.

Section 8572-89. SECTION 89. No statutory or other lien of whatever kind or nature except judgments in the United States courts and taxes shall affect the title to registered land, until after the same is noted upon the registered certificate of title. When liens effective.

Section 8572-90. SECTION 90. Unless otherwise provided all notices required under this act shall be served in the same manner as required by law for service of summons or like notices, and in any suit or proceeding for registering land or any interest therein or lien thereon or in relation to registered land or any interest in or lien or charge thereon, parties may waive notice and enter appearance as in civil actions and in all such cases service of notice may be dispensed with. How notices served.

Section 8572-91. SECTION 91. All books, blanks, papers and other things necessary for the purpose of carrying out the provisions of this act shall be furnished by the county commissioners at the expense of the county. Books, etc., furnished by county.

Section 8572-92. SECTION 92. No instrument or papers required by this act to be filed or kept in the office of the recorder, shall be taken therefrom except by a subpoena duces tecum issued for and served upon the recorder by a court of record. But when any instrument is registered, the recorder on demand, the proper fee being tendered therefor, shall deliver to any person a certified copy or copies of such instrument, with all memoranda, memorials and endorsements thereon, certified under his hand and seal of office. The recorder shall, however, upon all such copies, endorse thereon in writing across the face thereof, in red ink, "copy; no rights conveyed hereby". Instruments shall not be taken from office; copies.

Section 8572-93. SECTION 93. Every copy of original instruments so certified as provided for in the last preceding section, shall Copies as evidence.

be received in all cases in place of the original and as evidence have the same force and effect as the original instrument.

Section 8572-94.

Attorney general shall prepare system of books, records, etc.

SECTION 94. The attorney general shall prepare and from time to time prescribe a uniform system of books, records, entries, blanks and forms for the use of the public officers required to perform duties under this act and particularly prescribe convenient general forms of applications to register, forms of decrees of registration and certificates of title and general forms of memorials and notations to be used by the recorder in registering, releasing or discharging the common forms of conveyance and incumbrance, to express briefly the effect of such instruments; and such books, blanks and forms so prepared and prescribed, so far as applicable, shall be used by such officers. The attorney general may call to his aid in the performance of his duties under this section such expert assistants as he may deem necessary. Such assistants shall be paid for their service in the same manner as provided by law for the payment of special counsel appointed by the attorney general in civil actions.

Section 8572-95.

Rules of practice and procedure.

SECTION 95. The court of appeals in any appellate district may prescribe rules of practice and procedure not in conflict with the provisions of this act, for the guidance of the recorder and the conduct of proceedings in the probate or common pleas courts within such districts, in any matter arising under this act.

Section 8572-96.

Acceptance of fees, employment, etc., by recorder, prohibited.

SECTION 96. No recorder or deputy, while in office, shall directly or indirectly accept any employment, or be interested in fees arising from such employment, as attorney, agent or otherwise, from an applicant to register land, or other person connected with, or concerned in the registration of land, or any lien or charge thereon, or other matter in any way connected therewith.

Section 8572-97.

Transferee, etc., holds title or lien subject to estates, etc.

SECTION 97. Every transferee, mortgagee, lessee and encumbrancee of registered land or any part thereof, or any estate or interest therein, shall be held to hold his title or lien subject to the interests and estates, mortgages, encumbrances, and all liens and memorials which have been entered upon the registered certificate of title as provided by this act prior to such transfer of the land or mortgage, lease or encumbrance thereof, unless it is expressly otherwise provided in the instrument of transfer, mortgage, lease or encumbrance.

Section 8572-98.

Certificates and copies shall be received in evidence.

SECTION 98. The original certificate of title in the registration book, any copy thereof duly certified under the signature of the recorder, and also the owner's duplicate of the original certificate of title, shall be received as evidence in all the courts of the state and shall be conclusive as to all matters contained therein, except so far as otherwise provided in this act. All subsequent certificates of title and memorials thereon shall be conclusive in favor of bona fide owners and holders save only those procured by forgery.

Section 8572-99. SECTION 99. Whenever the term of court is used in this act in respect to any proceedings hereunder it shall be held to mean either the common pleas or probate court, unless one or the other or some other court is specifically mentioned or referred to; and whenever the term probate court is used it shall be held to mean the court at the time having jurisdiction of the settlement of estates and testamentary matters whether it be the probate or common pleas court. Definitions.

Section 8572-100. SECTION 100. The recorder and the probate and common pleas courts on the application of any party in interest shall, in any matter, suit or proceeding in any way relating to registered land or to any estate or interest therein or lien or charge thereon, have full and ample power to compel by punishment as for a contempt the production and delivery to said recorder or courts of any duplicate or owner's certificate of title, duplicate or original mortgage, lease or other paper pertaining to said land or any estate therein or lien or charge thereon; and also the power by like means to compel the release and discharge by the proper party of any lien or charge upon said land or any part thereof and the performance of any act or thing required by the provisions of this act to be done or performed by any person or persons. Powers of courts.

Section 8572-101. SECTION 101. This act shall be construed liberally for the purpose of effecting its general intent. Construction.

Section 8572-102. SECTION 102. Upon the original registration of land there shall be paid to the clerk of the court one-tenth of one per cent. of the assessed value of the land, on the basis of the last assessment for general taxation, for the purposes of an assurance fund. Assurance fund; rate.

Section 8572-103. SECTION 103. All money received by the clerk under the provisions of the preceding section shall be paid at least once a month to the treasurer of the state, who shall, with the advice and approval of the secretary of state and the state auditor, invest and reinvest and keep invested said funds in bonds and securities of the United States, or of the state of Ohio, or of any county, township, district or municipality thereof, or in approved mortgages on income producing lands that are registered under this act, provided that no loan shall be made by mortgage on any land which is not assessed, at last general assessment, for at least twice the amount of the loan, exclusive of improvements. Monthly payments of money to treasurer of state; investment of funds.

Section 8572-104. SECTION 104. A person who, without negligence on his part, sustains loss or damage, or is deprived of land or of any estate or interest therein, after the original registration of land, by the registration of another person as owner of such land or of any estate or interest therein, through fraud or in consequence of any error, omission, mistake or misdescription in any certificate of title or in any entry or memorandum in the registration book, may bring an action in the common pleas court of the county in which the land is situate against the state treasurer for the recovery of com- Right of action by registered owner for loss or damage by fraud, mistake, etc.

pensation for such loss or damage or for such land or estate or interest therein, from the assurance fund; but if the person who is deprived of land or of any estate or interest therein in the manner above stated has a right of action or other remedy for the recovery of the land or of the estate or interest therein, he shall exhaust such remedy before resorting to the action of contract herein provided. The provisions of this section shall not deprive the plaintiff of any action of tort which he may have against any person for such loss or damage or deprivation of any land or of any estate or interest therein.

Section 8572-105.

SECTION 105. If such action is brought to recover for loss or damage or for deprivation of land or of any estate or interest therein which arises wholly through any actionable fraud, negligence, omission, mistake or misfeasance of the recorder or his deputies or of any examiner of titles, in the performance of executive or ministerial duties, or of any of the assistants or clerks of the recorder, in the performance of their respective duties, the action shall be brought against the treasurer of the state and such officers and the sureties on their bonds as are within the jurisdiction of the court as defendants. If such action is brought to recover for loss or damage or deprivation of land or of any estate or interest therein which arises wholly through any actionable fraud, negligence, omission, mistake or misfeasance of some person or persons other than the recorder or his deputies or the other officers and their deputies or assistants above named, or which arises jointly through the actionable fraud, negligence, omission, mistake, or misfeasance of such other person and the recorder, deputy recorder or other officers and assistants above named, such action shall be brought against both the treasurer and such officers and their sureties and such other person or persons only, as are within the jurisdiction of the court, as the facts may require.

Against whom actions shall be brought.

Section 8572-106.

SECTION 106. In all such actions where there are defendants other than the state treasurer, and damages shall have been recovered, no final judgment shall be entered against the state treasurer until execution against the other defendants shall be returned unsatisfied in whole or in part, and the officer returning the execution shall certify that the amount still due upon the execution cannot be collected except by application to the indemnity fund. Thereupon, the court, being satisfied as to the truth of such return, shall order final judgment against the treasurer for the amount of the execution and costs, or so much thereof as remains unpaid. The state treasurer shall upon such order of the court and final judgment, pay the amount of such judgment out of the assurance fund.

When amount of damages shall be paid from assurance fund.

Section 8572-107.

SECTION 107. It shall be the duty of the attorney general to appear and defend all such actions. If the funds in the assurance fund at any time are insufficient to pay any judgment in full, the balance unpaid shall draw interest

Attorney general shall defend actions.

at the legal rate of interest, and be paid with such interest out of the first funds coming into the fund.

Section 8572-108. SECTION 108. The assurance fund shall not be liable in any action to pay for any loss, damage or deprivation occasioned by a breach of trust, whether express, implied or constructive, by any registered owner who is a trustee. When fund not liable for loss or damage.

Final judgment shall not be entered against the state treasurer in any action under this act to recover from the assurance fund more than the fair market value of the real estate at the time plaintiff suffered the loss, damage or deprivation thereof.

Section 8572-109. SECTION 109. No action or proceeding for compensation for or by reason of any deprivation, loss or damage occasioned or sustained as provided in this act shall be made, brought or taken, except within the period of six years from the time when the right to bring such action or proceeding first accrued; except that if at the time when such right of action first accrues the person entitled to bring such action or take such proceedings is within the age of twenty-one years, or insane, imprisoned or absent from the United States in the service of the United States or of this state, such person or anyone claiming from, by or under him, may bring the action at any time within two years after such disability is removed, notwithstanding the time limited in that behalf has expired. Limitation of actions.

Section 8572-110. SECTION 110. In every case in which payment has been made by the state treasurer under the provisions of this act, the state shall be subrogated to all rights of the plaintiff against any other parties or securities and the state treasurer and attorney general shall enforce the same in behalf of the state. Amounts so recovered by the state shall be paid into the treasury of the state to the account of the assurance fund. Subrogation.

Section 8572-111. SECTION 111. The income of the assurance fund shall be added to the principal and invested, until said fund amounts to three hundred thousand dollars, and thereafter the income of such fund shall be used to defray, as far as may be, the expense of the administration of the provisions of this act, instead of being added to the fund and accumulated. Application of income of fund.

Section 8572-112. SECTION 112. On the filing of an application for registration the applicant shall pay to the clerk of the court the sum of three dollars, which shall be in full of all clerk's fees and charges in such proceeding on behalf of the applicant. Any defendant, except a guardian ad litem, on entering his appearance by filing a pleading of any kind shall pay to the clerk of the court the sum of three dollars, which shall be in full of all clerk's fees in behalf of such defendant. Schedule of fees.

When any number of defendants enter their appearance as aforesaid at the same time, and in one pleading, but one fee shall be paid. Every publication in a newspaper required by this act shall be paid for by the party on whose application the order of publication is made, in addition to the fees above prescribed. The party at whose request

or on whose behalf any notice is issued shall pay for the service of the same except when sent by mail by the clerk of the court or recorder.

Schedule of fees.

Examiners of title shall receive for examining title on original reference and making report on all matters arising under the application, including final certificate as to all necessary parties being made and properly brought before the court and as to the proceedings being regular and legal, $5.00 for each separate and distinct parcel or body of land included in the application appraised for taxation at $2,000.00 or less, and on such parcels so valued at from $2,000.00 to $5,000.00 one-half of one percentum of such value, and where the court for special reasons may so order, an additional one-tenth of one percentum in the excess value above $5,000.00 up to $30,000.00, the fee in no case to be in excess of $50.00 nor in ordinary cases in excess of $25.00 for each separate body or parcel of land although made up of more than one tract.

Upon a reference to an examiner of titles or to any other person upon a hearing to take evidence and make report to the court, the fee of the referee shall be fixed by the court but at no more than $5.00 per day for the time actually employed.

For certificate of an examiner of titles as to all necessary parties being before the court and the proceedings being regular and legal in a suit for partition, foreclosure of mortgage, marshaling of liens, or other suit or proceeding affecting the title or any interest in or lien or charge upon registered lands, $5.00.

To guardians for the suit in original registration where there is no contest in which the guardian participates, $3.00; in other cases such fees as the court may fix not exceeding in any case $25.00.

The recorder shall receive the following fees:

For original registration of title, issuing duplicate certificate, entering memorials and memoranda, as directed by the decree, and indexing the same	$1 50
For examining and registering each transfer of registered land, including the filing of all papers therewith, entering memorials, issuing new duplicate certificate of title and indexing the same	$1 50
For filing, examining and entering a memorial of each mortgage, lease, lien, charge, or demand upon registered land, and indexing the same for each separately registered parcel	25
For cancellation of any memorial or memorandum	25
For each certified copy of a registered certificate or issuing a mortgagee's duplicate certificate	1 00
For continuing an owner's duplicate certificate and entering and certifying memorials and notations thereon	50

For filing, recording and indexing any papers or instruments other than those above provided, for any certified copy of record or of any instrument on file in his of-

fice, the same fees as may be allowed by law for like services. Schedule of fees.

For issuing subpoenas and notices and swearing witnesses, same fees allowed the clerk of court for like service.

For certifying pending suits, judgments, liens, attachments, executions or levies, the officers certifying the same to the recorder shall receive a fee of 25 cents to be paid by party interested and taxed in the costs of the case.

For serving summons, notice or other paper provided for in this act the sheriff or other officer shall receive the same fees as in other similar cases.

Costs as herein provided may in any case be taxed and by the court ordered to be paid by the parties in such manner as to it may seem just and reasonable.

Section 8572-113. SECTION 113. Whoever fraudulently procures, assists in fraudulently procuring or is privy to the fraudulent procurement of, any certificate of title, or other instrument, or of any entry in the register or other book kept in the recorder's office, or of any erasure or alteration in any entry in any such book, or in any instrument authorized by this act, or knowingly defrauds, or is privy to defrauding, any person by means of a false or fraudulent instrument, certificate, statement or affidavit, affecting registered lands or any interest in or lien or charge upon the same, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not exceeding five years, nor less than one year, and be fined in any sum not exceeding five thousand dollars, or both fined and imprisoned. Penalty for obtaining certificate, etc., fraudulently.

Section 8572-114. SECTION 114. Whoever forges, or procures to be forged, or assists in forging, the name or the seal of the recorder, or the name, signature or handwriting of any officer in cases where, by the provisions of this act, such officer is expressly or impliedly authorized to affix his signature; or Penalty for violations by forgery.

Fraudulently stamps or procures to be stamped, or assists in stamping, any document with any forged seal or the seal of the recorder; or

Forges, or procures to be forged, or assists in forging the name signature or handwriting of any person whomsoever, to any instrument which is expressly or impliedly authorized by this act to be signed by such person; or

Uses for any purpose authorized by this act or permitted thereunder any document upon which any impression, or part of the impression of any seal of the recorder or other officer has been forged, knowing the same to have been forged, or any document, paper or writing, the signature to which has been forged, knowing the same to be forged, shall be guilty of felony, and on conviction thereof shall be imprisoned in the penitentiary not exceeding ten (10) years, nor less than one (1) year, and fined not exceeding five thousand dollars, or both fined and imprisoned.

Section 8572-115. SECTION 115. All books, and all papers, documents and instruments required to be kept by the recorder, and filed and preserved by him in his office, and all duplicate cer- Penalty for larceny.

tificates of title and mortgagee's certified copy of mortgages, are hereby declared to be the subject of larceny and whoever steals any of them, or feloniously takes any of them from the recorder's office or from their owners or holders or wilfully in any manner destroys, mutilates, effaces or alters any of them, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary not more than seven years nor less than one year.

Section 8572-116.

SECTION 116. Whoever wilfully makes a false oath to an application to register or transfer, or to any other paper or statement to which an oath is by this act required or permitted, shall be guilty of perjury and on conviction thereof shall be imprisoned in the penitentiary for not more than ten years, nor less than three years.

Penalty for perjury.

Section 8572-117.

SECTION 117. No proceedings or conviction for any act hereby declared to be a felony, shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act, or against his or her estate, or against the recorder or examiner of titles or the sureties on their official bonds.

Conviction of felony no bar to civil action.

Section 8572-118.

SECTION 118. No registration under this act shall be had prior to the first day of July, 1914.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 18th, 1913.
Approved May 6th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
343 G.

[House Bill No. 431.]

AN ACT

To provide for the combining of the probate court and court of common pleas in counties having a population of less than sixty thousand.

Be it enacted by the General Assembly of the State of Ohio:

Section 1604-1.

SECTION 1. Whenever ten percentum of the number of electors voting for governor at the next preceding election in any county having less than sixty thousand population, as determined by the next preceding federal census, shall petition a judge of the court of common pleas of any such county not less than ninety days before any general election for county officers, for the submission to the electors of such county the question of combining the probate court with the court of common pleas of such county, such judge shall place upon the journal of said court an order

Petition for submission of question of combining probate and common pleas courts.

requiring the sheriff to make proclamation that at the next ensuing general election there shall be submitted to the electors of such county the question of combining the probate court with the court of common pleas of such county. The clerk of courts shall, thereupon, make and deliver a certified copy of such order to the sheriff, and the sheriff shall include notice of the submission of such question in his proclamation of election for the next ensuing general election.

Section 1604-2. SECTION 2. Each elector joining in a petition for the submission of said question shall sign the same in his own handwriting (unless he cannot write and his signature is made by mark) and shall add thereto the township, precinct or ward of which he is a resident. Such petition need not consist of but one paper, but may consist of as many parts as may be found convenient. One of the signers to each separate paper shall swear before some officer qualified to administer the oath that the petition is bona fide to the best of his knowledge and belief, and such oath shall be a part of or attached to such paper. The judge upon receipt of such petition shall deposit the same with the clerk of courts.

How petition shall be signed; verification.

No signature shall be taken from or added to such petition after the same has been filed with the judge. When so deposited such petition shall be preserved and be open under proper regulations to public inspection, and if it is in conformity with law, it shall be deemed to be valid, unless objection thereto is duly made in writng by an elector of the county within five days after the filing thereof. Such objections, or any other questions arising in the course of the submission of the question of combining said courts, shall be considered and determined by the judge of the court of common pleas, and his decision shall be final.

Objections.

Section 1604-3. SECTION 3. The election upon the question of combining said courts shall be conducted in all respects as provided by law for the election of county officers, so far as said law may be applicable.

Conduct of election; form of ballot.

The board of deputy state supervisors of elections shall provide separate ballots, ballot boxes, tally sheets, blanks, stationery, and all such other supplies as may be necessary in the conduct of such election.

Such ballots shall be printed with the affirmative and negative statement thereon, to-wit:

	The Probate Court and the Court of Common Pleas shall be combined.
	The Probate Court and the Court of Common Pleas shall not be combined.

Returns of said election shall be made and said returns shall be canvassed at the same time and in the same man-

Returns and canvass.

ner as an election for county officers, and the board of said deputy state supervisors of elections shall certify the result of said election to the secretary of state, to the probate judge of said county and to the judge of the court of common pleas, and the same shall be spread upon the journal of the probate court and of the court of common pleas.

If a majority of the votes cast at such an election shall be in favor of combining said courts, such courts shall stand combined and consolidated at the expiration of the term for which the probate judge has been elected in the county wherein such election has been held.

Section 1604-4. Establishment of probate division.

SECTION 4. When the probate court and the court of common pleas have been combined there shall be established in the court of common pleas a probate division and all matters whereof the probate court has jurisdiction by law shall be filed in and separately docketed in said probate division, and the resident judge of the court of common pleas, shall appoint the necessary deputies, clerks and assistants to have charge and perform the work incident to the probate division. The salaries of such deputies, clerks and assistants to be regulated by section 2980-1 of the General Code. Error may be prosecuted or appeals taken from said probate division to the court of appeals in all cases where the same lie to the court of common pleas in counties where such courts have not been combined.

Error and appeals.

Section 1604-5. Petition for re-establishment.

SECTION 5. At any time after three years from the date of an election held under the provisions of this act, but not before, another election may be petitioned for and shall be ordered by the judge of the court of common pleas as provided for in this act, either to perfect a combination of said court, or to dissolve said combination and to re-establish the probate court.

SECTION 6. Whenever in any county where such courts have been combined a decennial federal census shows that such county has a population of 60,000 or more, and such fact is certified by the secretary of state to said court of common pleas and entered upon its journal, the probate court shall be re-established in such county, and a probate judge shall be elected for the regular term at the next ensuing election in an even numbered year, and the records of the probate division of the court of common pleas shall be delivered to such re-established probate court upon the entry into office of an elected probate judge.

Re-establishment on increase of population.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

Passed April 18th, 1913.
Approved May 9th, 1913.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State May 13th, 1913.
344 G.

JOINT RESOLUTIONS

[House Joint Resolution No. 1.]

JOINT RESOLUTION

Relating to printing a roster of the members, and standing committees of both houses.

Be it resolved by the General Assembly of the State of Ohio: That the clerk of the senate and the clerk of the house of representatives are hereby directed to have printed in pamphlet form a list of the members of the senate and house, together with a list of the standing committees of each house, two thousand copies for the use of the senate and three thousand copies for the use of the house of representatives.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 23rd, 1913. 1

[House Joint Resolution No. 2.]

JOINT RESOLUTION

Relating to Joint Rules.

Be it resolved by the General Assembly of the State of Ohio: That until otherwise ordered the joint rules of the seventy-ninth general assembly be adopted for the government of the two houses of the eightieth general assembly.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate

Adopted January 23rd, 1913. 2

[House Joint Resolution No. 7.]

JOINT RESOLUTION

Relative to Granting Home Rule for Ireland.

WHEREAS, The people of Ireland for many years have been struggling for home rule only to have from time to time their aspirations denied; and

WHEREAS, Their struggles for liberty have appealed to all true Americans who love freedom; and

WHEREAS, The British house of commons on January 16, 1913, by a vote of one hundred and ten (110) majority passed the home rule bill for Ireland; therefore be it

Resolved, That the 80th general assembly of Ohio congratulate the British house of commons and the people of Ireland upon the passage through the commons of the home rule bill and that the secretary of state of Ohio be requested to forward a copy of these resolutions, to the Honorable Henry H. Asquith, prime minister of England, Honorable John E. Redmond, chairman of Irish parliamentary party and the Honorable Augustine Birrell, chief secretary for Ireland.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 3

[House Joint Resolution No. 13.]

JOINT RESOLUTION

Relative to printing extra copies of H. B. 132, H. B. 133, and H. B. 134.

Resolved, That the clerk be, and he hereby is, instructed to cause to be printed for distribution fifteen hundred copies of H. B. 132, H. B. 133 and H. B. 134.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 4

[House Joint Resolution No. 10.]

JOINT RESOLUTION

Providing for the furnishing of a list of registered lobbyists among the members of the general assembly.

Be it resolved by the General Assembly of the State of Ohio: That, the secretary of state is hereby directed to have printed at least once a week for distribution among the members of the senate and house of representatives, a complete and correct list of persons who have been given certificates and persons whom they represent under the provisions of an act "To provide for registration of persons employed to advocate or oppose legislative measures, and to regulate the methods of such advocacy or opposition."

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 5

[Senate Joint Resolution No. 8.]

JOINT RESOLUTION

Authorizing printing of additional copies of S. B. No. 7.

Be it resolved by the General Assembly of the State of Ohio: That two thousand additional copies of S. B. No. 7, Mr. Friebolin, "To regulate the civil service of the state of Ohio, the several counties, cities and city school districts thereof, etc.," be printed for the use of the members of the senate and house.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 6

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the State of Ohio: That when the two houses of the general assembly adjourn today that it be to meet Monday, January 13th, 10 o'clock a. m.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 7

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Appointing a committee to arrange for the inauguration of Governor-elect Cox.

Be it resolved by the General Assembly of the State of Ohio: That a committee of five on the part of the senate and five on the part of the house, be appointed to make the necessary arrangements for the inauguration of the governor-elect, Honorable James M. Cox, on Monday, January 13th, 1913.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 8

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Notifying the Governor of the organization of the Eightieth General Assembly.

Be it resolved by the General Assembly of the State of Ohio: That a committee of three on the part of the senate and of ..... on the part of the house of representatives be appointed to wait upon and inform the governor that the two houses of the eightieth general assembly have organized and are ready to receive any communication he may desire to transmit.

C. L. SWAIN,
Speaker of the House of Representatives
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 9

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Memorial to Congress relative to system of National Highways.

WHEREAS, The question of transportation has been paramount to all other questions since the dawn of civilization, and

WHEREAS, Until the end of time there will be three methods of transportation, namely, railroad, water, and wagon roads, and

WHEREAS, Two of our great systems of transportation, namely, railroad and steamship lines, have been aided by the government and then taken over and controlled by individuals and corporations and are now operated for pecuniary gain and to which all contribute, and

WHEREAS, Transportation by wagon over public roads has been taken over by the several states of the Union and their common use accorded to all people of the nation free of charge, and

WHEREAS, Congress of the United States has appropriated, in aid of railroad construction, public lands to the value of at least $1,000,000,000; for rivers and harbors since 1875 $592,395,000; for improvement of the Mississippi river since June 30, 1902, $16,582,000; for public buildings since June 30, 1911, $213,376,000; for public roads in Alaska, Philippines, Porto Rico, Guam and the canal zone $8,300,000 and estimated appropriation of $400,000,000 for the Panama Canal, and

WHEREAS, The United States has 2,198,645 miles of public roads of which only 190,679, or 8.66 per cent. of the total, are improved, and

WHEREAS, It is estimated by the office of public roads at Washington, D. C., that 90 per cent. of travel is confined to 20 per cent. of the roads of the United States and that the improvement of 440,000 miles of public roads would practically meet the present demand throughout the country, and

WHEREAS, The exigency of the present time makes necessary a system of national highways; therefore,

Be it resolved by the Senate and the House of the 80th General Assembly of the State of Ohio, That we urge upon congress of the United States the necessity of the early designation, construction and maintenance of a system of national highways.

Be it further resouvel, That the secretary of the state of Ohio is hereby instructed to forthwith transmit certified copies of this resolution to all Ohio members of the senate and house of representatives of congress of the United States, and the clerks of these respective bodies, at Washington, D. C.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 10

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Providing for joint convention of the General Assembly to canvass the vote for constitutional state officers.

Be it resolved by the General Assembly of the State of Ohio: That the two houses of the general assembly meet in joint convention in accordance with the provisions of the constitution and the law on Tuesday, January 7, 1913, at 11 o'clock A. M., to witness the opening of the votes cast at, and hearing the publishing and declaring of the result of the election held on the first Tuesday after the first Monday in November, 1912, for governor and other constitutional state officers.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 30th, 1913. 11

[Senate Joint Resolution No. 11.]

JOINT RESOLUTION

Memorial to congress for construction and appropriation to build levees.

WHEREAS, The Ohio river is a waterway under the control of the federal government, and

WHEREAS, The congress of the United States makes large appropriations for the improvement of said waterway, and

WHEREAS, The cities, towns and villages along said waterway are yearly ravaged by the floods, and

WHEREAS, There is a very large loss of property and life by reason of the annual floods, and

WHEREAS, Much sickness and disease follow in the wake of these overflows, and

WHEREAS, It is feasible and practicable in nearly every case to protect by means of levees, embankments or flood walls the cities, towns and villages from the annual overflows and from the destruction of property, and

WHEREAS, The prevailing conditions along the Ohio river necessitates a system of flood defenses; therefore

Be it resolved by the Senate and the House of the 80th General Assembly of the State of Ohio: That we urge upon congress of the United States, the necessity of the early examination into the feasibility and practicability of the construction of the proper levees, embankments or flood walls for the protection of the cities, towns and villages, and that we also urge congress to make the appropriations for such surveys and examinations.

Be it further resolved, That the secretary of the state of Ohio is hereby instructed to forthwith transmit certified copies of this resolution to all Ohio members of the senate and house of representatives of congress of the United States, and the clerks of these respective bodies, at Washington, D. C.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted June 30th, 1913. 12

[House Joint Resolution No. 11.]

JOINT RESOLUTION

Relative to funds in the federal treasury, and to provide for the distribution and use of the income therefrom.

WHEREAS, There was on deposit in the federal treasury at the close of business January 21st, 1913, to the credit of the general revenue fund, the sum of $136,120,738.00; and

WHEREAS, The sum of $136,120,738.00 represents the normal credit balance of such fund; and

WHEREAS, The amount of such credit balance is not at this time nor prior hereto has ever been in active circulation; and

WHEREAS, The amount of such fund should be loaned to the banking institutions of the various states on the basis of competitive bidding; and

WHEREAS, The general business, manufacturing, commercial and agricultural interests of Ohio, as well as of every other state, would be greatly benefited through the investment, use and privilege of such federal credit balance; and

WHEREAS, The amount of revenue that should be obtained from the use of such federal treasury balance should be credited to the respective states in which such funds are employed; and

WHEREAS, The total amount of interest paid by the banks of the re-

spective states to the federal government should be credited to the respective states employing such fund; and

WHEREAS, The amount so credited to such respective states should be used in constructing and maintaining highways, therefore

Be it resolved by the General Assembly of the State of Ohio: That the congress of the United States be, and is hereby petitioned to enact statutes providing for the deposit of funds in the federal treasury in any of the banks of the United States upon competitive bidding as to interest, and upon approved security. And that the income from such deposits be credited to the treasurer of the state in the respective states in which such funds were on deposit; and be it

Resolved, That the income from such deposits as are credited to the treasurer of such states having employed such funds be credited to the highway construction and improvement funds to be used as are other funds for such construction and improvement purposes; and be it further

Resolved, That the secretary of state be, and is hereby directed to forward duly authenticated copies of this resolution to the president of the United States senate, and to the speaker of the house of representatives of the United States, with the request that the same be laid before the senate and house for prompt consideration.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 29th, 1913. 13

[Senate Joint Resolution No. 9.]

JOINT RESOLUTION

Requesting Senators and Representatives from Ohio in the National Congress to urge the enactment of a Federal Law regulating the exportation of Food Products.

Resolved by the General Assembly of the State of Ohio: That the senators and representatives of Ohio in the congress of the United States be and they are hereby requested to urge the enactment of a federal law permitting the exportation of meat and all other necessary food products only during such periods when same are selling at reasonable prices in this country, and prohibiting the exportation of such food products before the average retail price of same becomes so high as to be out of proportion to the average wages of the working people of this country.

Be it further resolved, That the secretary of the state of Ohio transmit immediately upon the passage of this resolution a copy thereof to each of the senators and representatives from Ohio in the congress of the United States.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 22, 1913. 14

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Creating a committee to investigate the cost of the State Militia.

WHEREAS, Governor Cox, in his message to the eightieth general assembly, called attention to the rapidly increasing expense in the cost of maintaining the state militia, and

WHEREAS, The press of the state has brought to the attention of the citizens of this state such increasing expense:

Be it resolved by the General Assembly of the State of Ohio: That a committee of six be appointed, consisting of three members on the part of the senate, to be appointed by the president of the senate, and three members on the part of the house, to be appointed by the speaker of the house (not more than two of the members appointed on the part of the senate, and not more than two of the members appointed on the part of the house shall be of the same political party) to inquire into and investigate such increasing expense. With a view to ascertaining the cause of such increase said committee is hereby directed to investigate the expenditures of such state militia during the past six years.

That such committee is given power to send for persons, papers and documents, to compel the attendance of witnesses before the committee, to administer oaths, and to have access to all the departments of the state which deal with the state militia, and employ a stenographer and not to exceed two expert accountants, and to fully report their evidence and findings to the general assembly at the present session and before the final adjournment of said general assembly, for its information, and

That the stenographers so to be appointed by said committee, shall be paid the sum of $5.00 per day while actually engaged in the discharge of duty and the expert accountants shall each receive the sum of $10.00 per day while actually employed; and that said committee is hereby authorized and empowered to pay the expense of said stenographers, expert accountants and all other expenses rendered necessary by the committee in the exercise and discharge of its duty not to exceed the sum of $1,000.00, and that said expense shall be paid from the fund appropriated for the expense of legislative committees upon vouchers signed by the chairman of the committee appointed hereunder.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 23, 1913.

15

[Senate Joint Resolution No. 14.]

JOINT RESOLUTION

In memory of William McKinley.

WHEREAS, Seventy years ago William McKinley, late president of the United States, first saw the light of day in Niles, Trumbull county,

Ohio, and in view of his splendid services as a statesman, that this legislature take appropriate action and officially record, on behalf of the people of Ohio, their appreciation of his high character and his eminent public service to the state at large.

Therefore, be it resolved, That we recognize in the life and public services of our late brother in the family relation of state-citizenship, a career of singular power and uplifting influence, an example full of encouragement to constant and high endeavor, an inspiration to patriotism, an object lesson of "high-erected thoughts seated in a heart of courtesy."

His broad grasp of great public questions, based upon knowledge digested into wisdom, tempered by experience, and permeated by unfailing regard for the best interests of all the people, has strengthened the ties of brotherhood between ourselves, elevated the American name and deepened respect for the American character throughout all lands, and proved to the world that the heroic age of American statesmanship did not die with Washington, nor with Lincoln, but still survives, and

Be it further resolved, That a copy of this resolution be spread upon the journals of the senate and house of representatives.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 29, 1913. 16

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

Relating to printing additional copies of S. B. No. 48.

Be it resolved by the General Assembly of the State of Ohio: That the clerk of the senate be and is hereby authorized to have printed two thousand additional copies of Senate Bill No. 48, Mr. Green.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 29, 1913. 17

[Senate Joint Resolution No. 13.]

JOINT RESOLUTION

Relative to appointing a committee to investigate the rental of office buildings for use of state departments.

WHEREAS, The state of Ohio is now occupying and renting many offices outside of the state house for the use of commissions, officials and employes of the state, and paying therefor a large amount of rent annually; and

WHEREAS, The space in the state house is inadequate for the commissions, officials and employes; now therefore:

Be it resolved, That there be and is hereby appointed a joint committee, composed of three (3) members of the senate, to be appointed by the president of the senate and three (3) members of the house, to be appointed by the speaker of the house, and said committee be and the same is hereby empowered and directed to forthwith investigate and report to the general assembly the amount of rental paid annually for office space by the state of Ohio for the use of such commissions, officials, and employes of the state, and said committee is further directed to investigate the practicability of the state purchasing a site and erecting a building thereon, to be used by such commissions, officials, and employes of the state as cannot now and may not in the future be given occupancy in the state house. Said committee is instructed to report the result of its investigation, together with its recommendation, within thirty days from the date of the adoption of this resolution.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 29, 1913. 18

[Senate Joint Resolution No. 18.]

JOINT RESOLUTION

Authorizing the printing of two hundred additional copies of S. B. No. 18.

Be it resolved by the General Assembly of the State of Ohio: That the clerk be and is hereby authorized to have printed two hundred additional copies of S. B. No. 18, Mr. Greenlund.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted February 5th, 1913. 19

[House Joint Resolution No. 15.]

JOINT RESOLUTION

Relative to appointing a committee to inquire into and investigate the expenditures of all departments of state, including legislative bodies.

Be it resolved by the General Assembly of the State of Ohio: That for the purpose of advising the members of the senate and house of representatives as to whether or not there can be secured a more economic management of state affairs, a committee of six be appointed, consisting of three members on the part of the senate, to be appointed by the president of the senate and three members on the part of the house, to be

appointed by the speaker of the house, which committee shall inquire into and investigate the expenditures of all the departments of state, including legislative bodies, and shall suggest ways and means of curtailing expenses or reducing the number of employes provided that the same can be done without impairing the efficiency of such departments.

That such committee be given power to send for persons, papers and documents, to compel the attendance of witnesses before the committee, to administer oaths and to have access to all the departments of state, and be required to report fully the evidence taken by it and its findings thereon before the final adjournment of this session of the general assembly.

That an expenditure of not exceeding five hundred dollars be authorized for the use of the committee in securing the attendance of witnesses, obtaining supplies and paying such expenses as may become necessary in connection with such investigation, which expenditure shall be paid from the fund appropriated for the expense of legislative committees upon vouchers signed by the chairman of said committee.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted February 12th, 1913. 20

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[House Joint Resolution No. 17.]

JOINT RESOLUTION

Relative to post roads.

Be it resolved, That to transport and deliver the mails is a function of the federal government and that it is its duty to provide itself with the facilities necessary to a proper performance of such function, such as postmasters, mail carriers, postoffice buildings, roads over which to carry the mails, etc.

That, as in most cases it has been found less expensive and more expedient to rent postoffice buildings than to build them it would also be less expensive and more expedient for the federal government to give aid to the states and local authorities in the construction and maintenance of roads over which mails are carried than it would be to undertake the independent construction and maintenance of a general system of post roads.

That, to safeguard the federal treasury against improvident expenditures of funds upon roads which would not be efficient mail routes, legislation by congress should define several general types of roads to which federal aid will be given and that no contribution whatever shall be made to any road not falling within one of said types.

That neither congress nor any federal functionary should, in any manner, interfere with the states and local authorities in determining where any particular road shall be located, how constructed or maintained, or of what material it shall be made. These matters should be

left to be worked out by the states and local authorities in view of the peculiar conditions of the locality.

That legislation giving federal aid should be so fashioned that it would, as far as possible, operate automatically and not lead to extensive and costly bureaucracy.

That the "Shackleford bill," which passed the house at the last session of congress, or better still, the bill introduced at this session by Mr. Moon, of Tennessee, embraces the general principles upon which should be based any federal road legislation.

That the secretary of state of Ohio is hereby instructed to forthwith transmit certified copies of this resolution to all Ohio members of the senate and house of representatives of the congress of the United States, and to the clerks of the respective bodies at Washington, D. C.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted February 17th, 1913.

21

[House Joint Resolution No. 3.]

JOINT RESOLUTION

Ratifying the proposed amendment to the Constitution of the United States, providing that Senators shall be elected by the people of the several states.

WHEREAS, The sixty-second congress, in the second session, in both houses has passed the following proposition to amend the constitution of the United States, by a constitutional majority of two-thirds thereof, in words following, to-wit:

Joint resolution, proposing an amendment to the constitution providing that senators shall be elected by the people of the several states.

"*Resolved,* by the senate and house of representatives of the United States of America in congress assembled (two-thirds of each house concurring therein). That in lieu of the first paragraph of section three of article one of the constitution of the United States and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the constitution, which shall be valid to all intents and purposes as part of the constitution when ratified by the legislatures of three-fourths of the states:

"The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

" 'When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies; provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

" 'This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the constitution;'—therefore be it

Resolved, That the said proposed amendment to the constitution be, and the same is, hereby ratified by the general assembly of the state of Ohio.

Resolved, That a certified copy of the foregoing preamble and resolution be forwarded by the governor to the secretary of state for the United States, in accordance with section two hundred and five of the Revised Statutes of the United States.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted February 25th, 1913. 22

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Authorizing and directing the state board of health to make an investigation of occupational diseases.

WHEREAS, The employment of men and women in certain occupations is known to be attended with more than ordinary danger to health, giving rise to what is known as "occupational diseases", and

WHEREAS, Unnecessary sickness and shortening of life, from whatever cause, is a serious loss and of grave concern to the state and to all the people, and

WHEREAS, It is believed to be possible, by public education and by the enforcement of proper measures, to largely prevent unnecessary sickness and premature death among employes in various trades and occupations, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the state board of health is hereby authorized and directed to make a thorough investigation of the effect of occupations upon the health of those engaged therein with special reference to dust and dangerous chemicals and gases, to insufficient ventilation and lighting, and to such other unhygienic conditions as in the opinion of said board may be specially injurious to health, and to report to the next general assembly the results of such investigation, with such recommendations for legislative or other remedial measures as it may deem proper and advisable.

Be it further resolved, That the finance committee of the house and senate be requested to place in the general appropriation bill an appropriation of $7,000 for the year 1913 and $7,000 for the year 1914 for carrying on the above work by the state board of health.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted February 13th, 1913. 23

[Senate Joint Resolution No. 19.]

JOINT RESOLUTION

Relative to the printing of a booklet containing the rules of the Eightieth General Assembly.

Be it resolved by the General Assembly of the State of Ohio: That the clerk of the senate and the clerk of the house of representatives be authorized and instructed to have published one thousand booklets containing the rules of the eightieth general assembly and such other matter as in the discretion of the clerks may be proper. Two hundred and fifty copies to be bound in leather and seven hundred and fifty copies to be bound in paper.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted February 13th, 1913. 24

[Senate Joint Resolution No. 29.]

JOINT RESOLUTION

Authorizing the printing of additional copies of Senate Bill No. 203.

Be it resolved by the General Assembly of the State of Ohio: That the clerk of the senate be authorized and instructed to have printed twenty-five hundred additional copies of senate bill No. 203—Mr. Greenlund.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted February 28th, 1913. 25

[House Joint Resolution No. 29.]

JOINT RESOLUTION

Relative to printing S. B. No. 48 in pamphlet form.

Resolved by the General Assembly of the State of Ohio: That the clerks of the senate and house of representatives be, and they hereby are, authorized to have prepared, printed and published in pamphlet form for general distribution by members of the general assembly five thousand copies of S. B. No. 48—Mr. Green, as passed by this assembly; two thousand to be distributed by the members of the senate and three thousand by the members of the house of representatives.

JOHN H. LOWRY,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 4th, 1913. 26

[Senate Joint Resolution No. 23.]

JOINT RESOLUTION

To authorize the loan of certain paintings and souvenirs belonging to the state of Ohio to the Toledo Museum of Art, for the purposes of Perry's victory centennial celebration.

WHEREAS, The state of Ohio has decided to participate in the Perry's victory centennial celebration to be held in the year 1913, and

WHEREAS, The Toledo museum of art is to give a historical exhibition commemorating Perry's victory on Lake Erie as a part of such celebration during the months of July, August and September, 1913, and the government of the United States and various municipalities, public institutions and individuals have consented to loan valuable works of art and souvenirs to such exhibition, now therefore

Be it resolved by the General Assembly of the State of Ohio: That the governor and adjutant general be authorized to loan to the Toledo museum of art for use in such historical exhibition during the months of July, August and September, 1913, the following historical paintings at present in the capitol building at Columbus, to-wit:

Perry's victory on Lake Erie, by Powell;
Portrait of Arthur St. Clair;
Portrait of William H. Harrison;
Portrait of Edward Tiffin;
Portrait of James Kirker;
Portrait of Samuel Huntington;
Portrait of Return Jonathan Meigs;
Portrait of Duncan McArthur;
Portrait of Robert Lucas;
Portrait of Allen Trimble;
Portrait of Joseph Vance;
Portrait of Ethan Allen Brown;

together with any flags, relics, or other souvenirs relating to the war of 1812 in the custody of the state of Ohio which may be desired by the Toledo museum of art, if in the discretion of the governor and adjutant general it is deemed proper.

The adjutant general shall take a receipt for all articles so loaned, and the same shall be taken, packed, transported, returned and insured (including insurance in transit) in such manner and amount as may be designated by the adjutant general, at the sole cost and expense of the Toledo museum of art under such regulations and upon such conditions as the adjutant general shall prescribe.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 7th, 1913.

27

[Senate Joint Resolution No. 22.]

JOINT RESOLUTION

Relative to admitting B. F. Cornell to the Ohio Soldiers' and Sailors' Home.

WHEREAS, B. F. Cornell, of Mt. Vernon, Knox county, Ohio, served in the union army in several campaigns during the civil war, participating in some of the fierce battles, and

WHEREAS, Said B. F. Cornell has been a resident of Ohio for more than forty years, and is now old and in failing health and without means of support, and,

WHEREAS, Under the present law the said B. F. Cornell is not eligible to admission to the Ohio soldiers' and sailors' home for the reason that he was never regularly mustered into the army, although the fact of his service is well authenticated, therefore,

Be it resolved by the General Assembly of the State of Ohio: That the superintendent of the Ohio soldiers' and sailors' home at Sandusky, Ohio, be and is hereby authorized and required to receive said B. F. Cornell as an inmate in said Ohio soldiers' and sailors' home subject to the same rules and regulations as are applied to other inmates.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 7th, 1913. 28

[Senate Joint Resolution No. 25.]

JOINT RESOLUTION

Authorizing printing of five hundred additional copies of S. B. No. 178.

Be it resolved by the General Assembly of the State of Ohio: That the clerk of the senate be and is hereby authorized to have printed five hundred additional copies of senate bill No. 178—Mr. Cunningham.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 7th, 1913. 29

[Senate Joint Resolution No. 26.]

JOINT RESOLUTION

Creating a commission to inspect the general subject of fire insurance in Ohio and authorizing the expenditure of money to pay the expenses thereof.

WHEREAS, Under the efficient management and service of the fire marshal's department of the state of Ohio, incendiarism, accidental fires and spontaneous combustions have been greatly reduced in recent years, and

WHEREAS, There has been a very substantial reduction in fire losses in the various cities of the state on account and by reason of the installation of more perfect waterworks, the improvement of streets, the construction of less inflammable buildings, the increased efficiency of fire apparatus, the more general adoption of chemical fire extinguishers, and in brief, numerous appliances for the better safe-guarding of property from fire and the actual extinguishment of fire, and

WHEREAS, The ratio of decreased rate of insurance is grossly disproportionate to the decrease of risk under the circumstances and the decrease of actual fire losses, and

WHEREAS, It is a matter of current rumor and report that a combination exists among the various fire insurance companies operating in the state of Ohio, and, as a result thereof, all rates are arbitrarily fixed by a committee known as the Ohio inspection bureau, and other rating bureaus, and that said rates so fixed are, in many instances, unjustly discriminatory, unfair, excessive and vastly higher than the rates charged on the same risks by the purely mutual companies operating in the state; therefore

Be it resolved by the General Assembly of the State of Ohio: That three senators, appointed by the president of the senate, and three members of the house of representatives, appointed by the speaker thereof, shall constitute a committee who shall, by and with the assistance of the insurance and attorney general's department, inspect the whole subject of fire insurance in the state of Ohio, with special reference to the purpose and method of operation of the Ohio inspection bureau, and other rating bureaus.

Said committee shall have full power to summon witnesses, to compel their attendance, to administer oaths relative to their testimony, to make examinations, and to compel the production of whatever books, records and documents that may be necessary for their full and complete investigation of the subject matter hereof.

Said committee shall proceed with all due promptness to discharge its duties and upon the completion thereof shall make a report of its findings with a recommendation of such law or laws as in its opinion may be necessary to cure abuses, if any are found in the conduct of the fire insurance business in this state. Said report shall be made to the general assembly if then in session, and if not, then to the governor of the state, and in no event shall the report be delayed beyond September 1st, 1913.

Said committee may in its discretion employ a stenographer at current rates and prosecute its investigations by holding sessions in such place or places of the state as in its judgment it thinks proper. To carry out the provisions of this resolution, said committee is authorized to expend from the money heretofore or hereafter appropriated to discharge the expenses of legislative committees, such a sum of money as may be necessary, not to exceed two thousand dollars, same to be paid by the state treasurer on the warrant of the state auditor, which warrant shall issue upon the filing of itemized expense accounts from time to time, the same to be approved by the chairman of the committee.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 10th, 1913.

[House Joint Resolution No. 32.]

JOINT RESOLUTION

WHEREAS, The life of Mr. Harry D. Thomas, of Cleveland, has been for many years a noble example of devotion to the cause of all humanity, and

WHEREAS, His long and loving service as a trades' union official, a member of the fourth constitutional convention and as a trusted citizen of the state has been terminated at last by the passing of his noble spirit, therefore,

Be it resolved that the members of the Eightieth Ohio General Assembly do hereby extend to the members of the bereaved household their profound sympathy and reverently pay their tribute to this quiet, brave, and tireless champion of those who labor and are heavy laden.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 7th, 1913. 31

[Senate Resolution No. 34.]

80th General Assembly,
Regular Session.

MR. MOONEY.

Resolved, That a committee of three be appointed by the chairman pro tempore of the Ohio state senate to arrange for and secure the painting of a portrait of President Lieutenant-Governor Hugh L. Nichols, to be placed in the senate chamber; and that for the purpose of paying for the same, the president of the senate is hereby authorized and directed to draw his warrant upon the contingent fund of the senate for a sum not exceeding five hundred dollars ($500.00).

32

[Senate Resolution No. 33.]

80th General Assembly,
Regular Session.
1913.

MR. MOONEY.

Resolved, That the sergeant-at-arms be and he is hereby authorized and directed to make his requisition upon the secretary of state for the following additional stationery for the use of the senate, to-wit:

1,000 individual letter heads and envelopes for the lieutenant-governor and each senator, and the same number for the clerks of the senate; three-fourths of said number of envelopes for the lieutenant-governor and each senator, and the clerk, to be of the size known as No. 6¾, and one-fourth to be of the size known as No. 10; the name of the lieutenant-

governor and each senator, and the clerk to be lithographed on the letter heads and envelopes allotted to each separately.

33

[House Joint Resolution No. 43.]

JOINT RESOLUTION

Be it resolved by the General Assembly of the State of Ohio: That by reason of the public emergency that has arisen out of the distress caused by flood and for the purpose of affording immediate relief therefor, that the clerk be authorized and directed to enroll H. B. No. 633 in typewriting.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 26th, 1913. 34

[House Joint Resolution No. 38.]

JOINT RESOLUTION

Providing for the appointment by the governor of Ohio of a commission to investigate and report an equitable method of weighing coal at the mines, when the employes are to be paid for their labor on the basis of weight, measures or quantity, and that will at the same time be to the best interest of the consumers and protect the coal measures of the state.

WHEREAS, There is pending before the general assembly a bill known as senate bill No. 23 relating to the method of weighing coal at the mines throughout the state; and

WHEREAS, This subject is of vital importance to the operators and miners, and affects the entire mining industry of the state, and

WHEREAS, Because of the public nature of the mining industry, the interests of the citizens of the state of Ohio are directly concerned, and

WHEREAS, It is necessary for the general assembly to have full and accurate information on the subject matter involved, in order to enact laws which will adequately protect the interests of the public, operators and miners; therefore be it

Resolved, That the governor be, and he is hereby empowered and directed to appoint a commission of five members, one of whom shall be a representative of the producers of coal, one of whom shall be a representative miner, and the remaining members of said commission shall have no direct or indirect pecuniary interest in the mining, production or transportation of coal in this or any other state or country.

Which shall, within ten days after its appointment, meet in the city of Columbus and organize by electing one of its members chairman, and by the election of a secretary.

The commission shall thereafter forthwith proceed to make a thorough investigation of all matters, things and conditions incident to or involved in the matters set forth in the preamble hereto.

The commission is hereby authorized and empowered to subpoena and compel the attendance of witnesses before it, and require them to give testimony under oath and to present such papers, documents and records in connection with their testimony relative to the investigation as may be required.

The commission shall cause a record of its proceedings, to be kept, and shall fully complete its duties, investigations, and make its full report, with whatever recommendations it may see fit to make to the governor, on or before December 1st, 1913.

The governor shall as soon thereafter as practicable transmit a copy thereof, to both branches of the general assembly.

The members of the commission shall each receive the sum of ten dollars per day for the time they are actually employed in the performance of the work required under this resolution, and in addition thereto their actual traveling expenses and hotel bills while engaged in such work.

The secretary shall be paid a reasonable compensation to be fixed by the commission, and in addition thereto such necessary expenses as the commission may approve.

All of the expenses of the commission and of the secretary shall, before the payment thereof, be approved by the governor and when so approved, a voucher shall be issued therefor and the same shall be paid out of a fund of not to exceed five thousand dollars to be provided in an appropriation to be made for that purpose.

The governor shall fill by appointment any vacancy that may occur in the commission before its duties are completed.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 9th, 1913. 35

[Senate Joint Resolution No. 49.]

JOINT RESOLUTION

Providing for the appointment of a committee of six to make arrangement for a reunion of the members and officers of the 80th General Assembly.

Be it resolved by the General Assembly of the State of Ohio: That a committee of six, three on the part of the senate to be named by the president of the senate, and three on the part of the house of representatives to be named by the speaker thereof, be appointed to make arrangements for a reunion of the members and officers of the 80th general assembly at Cedar Point during the season of 1913.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 28th, 1913. 36

[Senate Joint Resolution No. 50]

JOINT RESOLUTION

Providing for granting certificates of honor.

WHEREAS, During the flood of March and April, 1913, deeds of great bravery and heroism were performed throughout the state of Ohio; and

WHEREAS, Many persons risked their lives in the performance of public service and duty, thereby greatly benefiting the state of Ohio and her citizens; and

WHEREAS, It is proper and just that the state give due recognition to the persons who performed such worthy service; therefore

Be it resolved by the General Assembly of the State of Ohio: That the governor is hereby authorized to prepare suitable certificates of honor, and, after a sufficient investigation of the facts in each case, to grant them to such persons, as are, in his judgment, entitled thereto.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 28th, 1913. 37

[Senate Joint Resolution No. 35.]

JOINT RESOLUTION

Relative to printing additional copies of H. B. No. 590.

Be it resolved by the General Assembly of the State of Ohio: That five hundred additional copies of house bill No. 590—Mr. Cowan, "To make general appropriations" be printed for the use of the members of the general assembly.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 25th, 1913. 38

[Senate Joint Resolution No. 36.]

JOINT RESOLUTION

Authorizing printing of legislative history of Ohio, 1909-1913 inclusive.

Be it resolved by the General Assembly of the State of Ohio: That there is hereby authorized the preparation and printing in book form of fifteen hundred (1500) copies of a history of legislation in Ohio for the years 1909-1913, inclusive, in connection with the official history of the state administration for the years 1909-1912; the whole work to be

done under the supervision of the president of the senate and the speaker of the house of representatives.

The said publication to be suitably engraved, bound in buckram with gold at tops, and to be distributed as follows: One copy to every city circulating and public school library in Ohio; one copy to every college and high school library in Ohio; one copy to each member and officer of the 80th general assembly of Ohio, and one copy to every authorized press correspondent in the 80th general assembly of Ohio.

To defray the expense of preparation of said history of legislation a sum not to exceed three thousand ($3.000.00) dollars is hereby authorized to be paid jointly in equal parts out of the contingent funds of the senate and house of representatives upon vouchers signed by the president of the senate and the speaker of the house of representatives as the work progresses.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Adopted April 15th, 1913.

39

[Senate Joint Resolution No. 52.]

JOINT RESOLUTION

To amend article XII of the constitution of Ohio by the addition of section 12.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. A proposition shall be submitted to the electors of the state of Ohio, on the first Tuesday after the first Monday in November, 1913, to amend article XII of the constitution of the state of Ohio by the addition of section 12, to read as follows:

ARTICLE XII.

FINANCE AND TAXATION.

Sec. 12. Bonds of the state of Ohio and of any city, village, hamlet, county, road district or township in the state, and bonds issued in behalf of the public schools of Ohio and the means of instruction in connection therewith shall be exempt from taxation.

SECTION 2. That this amendment shall take effect and be in force from and after its adoption.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Adopted April 18th, 1913.

40

[Senate Joint Resolution No. 51.]

JOINT RESOLUTION

Relating to the enrolling of H. B. No. 219.

Be it resolved by the General Assembly of the State of Ohio: That inasmuch as an emergency has arisen which makes it necessary that H. B. No. 219—Mr. Lowry be messaged at once to the governor for his action thereon, it is hereby declared to be a necessity that said bill be partially enrolled in typewriting, and the same is hereby ordered.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 16th, 1913. 41

[Senate Joint Resolution No. 45.]

JOINT RESOLUTION

Relative to the distribution of the journal and proceedings and debates of the fourth constitutional convention.

WHEREAS, The constitutional convention of 1912 authorized the publication of its journal and proceedings and debates and specified by resolution to whom, in part, these publications should be distributed, and

WHEREAS, Such distribution has only been partially made, the larger portion of the volumes so far as published remaining with the printer, therefore

Be it resolved by the General Assembly of the State of Ohio: That the printer is authorized and directed to turn over the remainder of these publications to the secretary of state who is hereby authorized and directed to complete the distribution of the proceedings and debates as directed by the constitutional convention in its resolution No. 166.

That of the proceedings and debates thus transferred to the secretary of state, above the number required for the aforesaid distribution, one copy each shall be delivered to the governor, the secretary of state, the attorney general, the members of the general assembly and the invited speakers whose addresses are a part of the record of the convention, and the remaining sets shall be placed on sale at four dollars a volume or eight dollars a set and the money be covered into the treasury as provided by the constitutional convention in its resolution No. 166.

That one copy of the journal be sent to each library, officer and employe designated in resolution No. 166 of such convention, and that the remainder be distributed at the discretion of the secretary of state.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 17th, 1913. 42

[Senate Joint Resolution No. 32.]

JOINT RESOLUTION

Creating a commission to investigate the canal system of Ohio, devise a practical plan to dispose of the entire canal property of the state or place it upon a profitable and permanent basis, and to authorize the expenditure of money to pay the expenses of such commission.

WHEREAS, The canals of Ohio have fallen into a state of disuse and decay, have for many years been the basis of wasteful expenditure of public funds, and are in such a state of decadence as to fail to meet the requirements necessary for the transportation of freight; and,

WHEREAS, The state has many millions of dollars invested in its canals in land and water rights from which it receives small benefits compared to the aggregate value of the canal system; and,

WHEREAS, The receipts from freight rates for transportation, for which the canals were originally established, are less than three thousand dollars annually on the entire system; and,

WHEREAS, Each year some portions of the canal system are being used more and more for pleasure boat purposes, and other parts are utilized by private concerns for water power and other purposes foreign to the original purpose of the canal; and,

WHEREAS, On account of leases given by the state, and on account of the tendency of the general assembly in past years to cede to interested parties portions of the canal for which the state has received small, if any, compensation; and,

WHEREAS, The United States government, in the early part of the last century ceded to the state of Ohio public land for the Miami and Erie canal for water highway purposes, which right has not been relinquished; and,

WHEREAS, There is a very strong sentiment that some definite policy be adopted either to sell the entire canal system of the state and devote the proceeds to the maintenance of the public highways, or to put the canals on a paying and permanent basis; therefore,

Be it resolved by the General Assembly of the State of Ohio: That three members of the senate, appointed by the president of the senate, and three members of the house of representatives, appointed by the speaker thereof, shall constitute a committee who shall, by and with the assistance of the superintendent of public works, investigate the condition of the canal system of the state, determine the extent of the state's rights in all leases and cessions that have been made, ascertain the extent to which the waterways are used for traffic, pleasure, water power and other purposes, and report to the general assembly the result of such investigations.

Such committee shall further investigate the feasibility and practicability of rehabilitating the canals in order to make them suitable for transportation of freight, and the approximate cost thereof. The committee shall investigate and report whether it would be wise and practicable for the state to operate a line of freight boats on one or both divisions of the canal system by animal, electric, steam or other motive power and the probable cost thereof, or for the state to lease one or both divisions to private parties for such use for a limited term of years, provided that full and adequate returns are made to the state for such use. Such committee shall also be empowered to investigate the feasibility of

utilizing the towpath of the canals for public highways to be improved and maintained by the state, or to lease them to private parties for a limited term of years for use in connection with the water ways for such use as may be determined upon, provided that full and adequate returns are made to the state.

Such committee shall give reasonable consideration to all plans proposed for utilizing the canals for useful purposes.

Such committee shall determine the rights of the federal government in the Miami and Erie division, and ascertain whether any claim of such government, if any exists, can be satisfied or cancelled, and if so, in what manner. The committee is hereby authorized to take such steps as may be considered necessary to have such claims relinquished by the federal government, if such claims exist.

Such committee shall determine the feasibility of offering the entire canal system of the state for sale to the highest and best bidders in such a manner that the state's interests are properly safeguarded, and should said committee recommend such sale it shall report to the general assembly a plan whereby the sale can be effected for a sum in reasonable proportion to the value at present placed upon the canals by the superintendent of public works. It is expressly understood that the proceeds of such sale shall be devoted to the maintenance and construction of improved highways by equal distribution to the counties.

It shall be the duty of such committee to proceed with all due promptness to discharge its duties as prescribed by this resolution, and to report its findings to the present general assembly if in regular or special session on the completion of such report, or if not in session, then to the governor of the state, but such report shall not be delayed beyond January 15th, 1914.

Such committee shall have full power to compel the production of such records, books and documents necessary for any investigation declared necessary, and to administer oaths, examine witnesses and take testimony if necessary.

Such committee may, in its discretion, employ a stenographer if it deems such necessary, and may examine experts on matters of transportation and commerce.

To carry out the provisions of this resolution, such committee is authorized to expend from the money heretofore or hereafter appropriated to discharge the expenses of legislative committees, such a sum of money as may be necessary, not to exceed one thousand five hundred dollars, the same to be paid by the state treasurer on the warrant of the state auditor, which warrant shall issue upon the filing of itemized expense accounts from time to time, the same to be approved by the chairman of the committee.

C. L. Swain,
Speaker of the House of Representatives.
Hugh L. Nichols,
President of the Senate.

Adopted April 18th, 1913. 43

[Senate Joint Resolution No. 46.]

JOINT RESOLUTION

Relative to printing a new edition of the catalog of the supreme court law library.

Be it resolved by the General Assembly of the State of Ohio: That the supervisor of public printing is hereby authorized and directed to have printed from copy furnished by the law librarian, a new edition of the catalog of the law library of the supreme court, of two thousand copies for gratuitous distribution among the judges, members of the bar, law labraries and citizens of the state, and to pay for the same out of the appropriations for state printing and binding for the years 1913 and 1914. The books shall be bound at the state bindery in a good quality of law buckram, and shall be distributed by the law librarian under the direction of the supreme court, the expenses of said distribution to be paid from the contingent fund of the supreme court.

In composition and presswork the catalog shall follow as closely as possible the general character of similar publications by other states, as specified by the law librarian.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 16th, 1913. 44

[House Joint Resolution No. 54.]

JOINT RESOLUTION

Urging representatives in congress to support the president in his purpose to fulfill the pledges of the Democratic party.

WHEREAS, The triumphant election of Woodrow Wilson as president of the United States means the confidence of the American people in his ability to carry out the promises of the democratic party platform; and

WHEREAS, The repudiation of the republican party at the polls was undoubtedly due to the dishonesty of that party in the breaking the campaign pledges of 1908; and

WHEREAS, The democratic promise to be fulfilled and the republican promise that has been repudiated are with regard to the downward revision of the tariff; therefore

Be it resolved by the 80th General Assembly of Ohio: That we urge our representatives in congress to support the president in his purpose to fulfill the pledges made by him prior to the election and to vote in accordance with his purposes on tariff and other matters of like import that are involved in the pledges of the democratic party; and be it further

Resolved, That each of our representatives in congress, be notified by the clerk of the house of the passage of this resolution.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 17th, 1913. 45

[House Joint Resolution No. 25.]

JOINT RESOLUTION

Relative to joint rules to govern the Senate and House of Representatives.

Resolved, That the following joint rules shall govern the senate and the house of representatives of the eightieth general assembly of Ohio:

RULE 1. Whenever the two branches of the general assembly shall convene for any purpose required by the constitution or laws of the state, such convention shall be held in the hall of the house of representatives, unless otherwise ordered by a joint resolution of the two branches, and the president of the senate shall preside. During all such conventions each branch shall be held to be in session as a separate branch of the general assembly and be governed by its own rules; and except in voting at elections, where each member is entitled to a separate vote, shall act as such, and no question shall be considered as carried otherwise than by the concurrent action of both branches; provided, that either branch may, by a vote of a majority of all its members, dissolve such convention by withdrawing therefrom; and such convention may, by the concurrent vote of the two branches, take a recess, or adjourn to a time certain; but such recess or adjournment of the convention shall not be held to be an adjournment or recess of either branch, nor to prevent either from proceeding with its usual business during such recess or adjournment of the convention.

RULE 2. In all elections in joint session, a majority of the votes cast shall be necessary to a choice.

RULE 3. Bills introduced in either house shall be legibly written, typewritten, or printed, and shall bear the name of the author and must in all respects, as to form, comply with the laws, and the rules of the general assembly.

RULE 4. Bills shall have noted in their titles, a distinct reference to the subject or matter to which they relate and also, if they propose the amendment or repeal of any law, to the section proposed to be amended or repealed.

RULE 5. Bills, as well as joint resolutions, shall be printed after their first reading, and distributed for the use of members of the two houses.

RULE 6. In all bills introduced which seek to amend existing statutes any new matter contained therein shall be underscored by the author, and when printed the matter so underscored shall be printed in italics; and when amendment is sought by the omission or elimination of matter in an existing law the author shall indicate such omission or elimination by asterisks and the printer shall follow such indicated marks in copy. No bill shall be sent to the printer by the clerk which does not conform to these requirements.

RULE 7. When a bill or joint resolution has been passed or adopted in either house, notice shall be forthwith given to the other house.

RULE 8. When a bill or joint resolution which shall have been passed in one house is rejected or lost in the other, or postponed indefinitely, notice thereof shall forthwith be given the other house.

RULE 9. When a bill or joint resolution which has passed one house, and been amended, passed and returned by the other, the question shall be upon concurrence in the amendment or amendments, and the same num-

ber of votes shall be required to concur as was required to pass the bill or resolution in the house in which it originated; and if such house refuse to concur in the amendment, notice shall be forthwith sent to the other house where the proceedings shall be in the following order:

FIRST—To insist upon its amendment and ask for a committee of conference;

SECOND—To recede from its amendment, which has the effect of passing the bill in the form in which it passed the house in which it originated;

THIRD—To adhere to its amendment, which precludes a committee of conference.

COMMITTEES OF CONFERENCE.

RULE 10. All committees of conference shall consist of three on the part of the senate, and three on the part of the house of representatives unless otherwise specially ordered by both houses.

RULE 11. Whenever any committee of conference of the two houses shall disagree, other committees may be appointed; and if either of the two houses shall disagree to any report of a committee of conference, such house shall forthwith notify the other of such disagreement, and request another committee of conference; and thereupon another committee shall be appointed.

RULE 12. A committee of conference appointed to consider matters of difference between the two houses upon any bill or resolution, may consider and include in its report any amendments pertinent to the bill or joint resolution, whether or not the form or substance of such amendments relate exclusively to the original matters of difference, or the committee may offer a substitute for said bill or resolution.

RULE 13. The report of a conference committee is always in order except during a roll call or division, and can not be laid on the table, referred to a committee, or indefinitely postponed, and must be voted upon as a whole.

MESSAGES.

RULE 14. All messages sent from one house to the other shall be carried by an officer or employe of said house, who shall give a receipt for the same to the message clerk from whom he receives the message. He shall deliver the message without delay to the clerk of the house to which it is sent and take a receipt therefor from said clerk or one of his assistants authorized by him to receipt for messages. The receiving clerk shall deliver such message to the presiding officer of the body, who shall, in the proper order of business, and within a reasonable time, lay it before the house.

ENGROSSMENT OF BILLS.

RULE 15. All bills and resolutions, before they are passed or adopted by either house, shall be carefully engrossed in plain handwriting, in printing or in typewriting, and the engrossed copy carefully compared with the original bill, and the journal showing the amendments agreed to.

RULE 16. When a bill shall have passed one house, and shall be amended in the other, the amendments shall be engrossed upon a separate piece of paper, and the bill, as amended, shall be fully engrossed, and

both returned, with the engrossed bill received from the other house, to the house in which it originated. In such engrossments, sections of bills and joint resolutions amended shall be engrossed in a plain engrossing handwriting, in printing or typewriting. Whenever a bill shall be passed in one house and sent to the other and a substitute therefor is agreed to by such house, in the communication between the houses such substitute shall be designated and treated as an amendment to the original bill, and the message relating thereto shall definitely show as in case of other amendments, how the original bill is amended.

ENROLLMENT.

RULE 17. A bill or joint resolution having been reported to either house by the joint committee on enrollment, shall not thereafter be subject to amendment, commitment or other action by either house; but this provision shall not apply to bills returned to the general assembly by the governor or secretary of state.

SIGNING AND VETO OF BILLS.

RULE 18. All bills and joint resolutions, which shall have passed both houses, shall first be signed by the speaker of the house of representatives, and then by the president of the senate, the latter affixing the date thereto and delivering the same to the clerk of the senate who shall deliver each bill so passed to the governor, taking a receipt therefor, and each joint resolution to the secretary of state taking the latter's receipt therefor. When any bill shall have been disapproved by the governor and subsequently enacted into law over such veto, in accordance with the provisions of the constitution, the enrolled copy shall be endorsed with the record of the proceedings in each house subsequent to the veto, attested by the speaker of the house and president of the senate.

RULE 19. When a bill or joint resolution shall have passed either house, and been sent to the other for concurrence, such bill or joint resolution shall take precedence on the calendar, of all bills, joint resolutions or resolutions not yet passed or adopted by the house in which they originated; provided, that such bills or joint resolutions shall not take precedence of other bills or joint resolutions which may have been carried over from an unfinished calendar.

RULE 20. Any bill placed on the calendar for third reading, informally passed, and which was not subsequently called up for consideration, shall be placed in its order at the head of the calendar of bills for third reading on the succeeding day.

RULE 21. The chairman of each committee of the senate and house of representatives shall, at some time before the final consideration of any bill referred to his committee, if objection thereto be made or material amendment offered in the committee, give verbal or written notice to the author of the bill, fixing a time when he may be heard by the committee.

RULE 22. The yeas and nays shall be called in each house on the adoption of all joint resolutions and upon concurrence in amendments, made by one house to a bill or resolution originating in the other, and upon the adoption of the reports of conference committees.

RULE 23. The clerks of the senate and house of representatives shall cause a calendar for each branch of the general assembly to be printed

and placed upon the desk of each senator and representative before the opening of each daily session, showing for the day bills for second reading, the bills for third reading, and the special orders of the day.

RULE 24. The calendar may also show such other information relating to the business of the houses as the chair or the clerk may desire to bring to the attention of the members.

RULE 25. When a message shall be transmitted to the general assembly by the governor expressing his disapproval of any bill, or, item or items of an appropriation bill, which has been passed by the general assembly, the question shall be presented in each house as follows: "Shall the bill (or item or items of the appropriation bill) be passed notwithstanding the objections of the governor?

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 10th, 1913. 46

[House Joint Resolution No. 41.]

JOINT RESOLUTION

Relative to the eligibility of women to certain offices.

Be it resolved by the General Assembly of the State of Ohio: Three-fifths of the members elected to each house concurring therein: That for the purpose of procuring the eligibility of women to certain offices, a proposal shall be submitted to the electors of this state in the manner provided by law, on the first Tuesday after the first Monday in November, 1913, to amend the constitution of the state by amending article XV, section 4, thereof so that it will read as follows:

Sec. 4. No person shall be elected or appointed to any office in this state unless possessed of the qualifications of an elector; provided that women who are citizens may be appointed as members of boards of, or to positions in, those departments and institutions established by the state or any political subdivision thereof involving the interests or care of women or children or both.

SECTION 2. At such election this amendment shall be placed on the official ballot in the manner prescribed by law as "ARTICLE XV, SECTION 4,—ELIGIBILITY OF WOMEN TO APPOINTMENT AS MEMBERS OF BOARDS OF, OR POSITIONS IN, DEPARTMENT AND INSTITUTIONS AFFECTING, OR CARING FOR, WOMEN AND CHILDREN.", or in other language sufficient to clearly designate it, and if a majority of the electors voting on the same shall adopt such amendment, section 4 hereinabove set forth shall on and after the first day of January, 1914, become and constitute the section so amended of article XV of the constitution of the state of Ohio and said original section 4 shall be repealed and annulled.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 18th, 1913. 47

[House Joint Resolution No. 33.]

JOINT RESOLUTION

Proposing an amendment to article X of the constitution of the state of Ohio, relative to county and township organizations.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members of each house concurring therein:

SECTION 1. That, for the purpose of procuring a short ballot for county and township officers, there shall be submitted to the electors of this state, in the manner provided by law, on the first Tuesday after the first Monday in November, 1913, a proposal to repeal sections 3, 4 and 7 of article X of the constitution and to amend sections 1 and 2 of such article to read as follows:

"Sec. 1. Laws may be passed providing for the election or appointment and terms of all such county and township officers as may be necessary, which officers shall have such power of local taxation, for police purposes, as may be prescribed by law.

"Sec. 2. Laws may be passed providing for a form of government for counties and the townships therein.

SECTION 2. At such election this amendment shall be placed on the official ballot in the manner prescribed by law as "ARTICLE X, SECTIONS 1 and 2—SHORT BALLOT FOR COUNTY AND TOWNSHIP OFFICERS" or in other language sufficient to designate it clearly, and if a majority of the electors voting on the same shall adopt such amendment, sections 1 and 2 hereinabove set forth shall on and after the first day of January, 1914, become and constitute the sections so amended of article X of the constitution of the state of Ohio and said original sections 1 and 2, and also sections 3, 4 and 7 of such article, and also section 16 of article IV, shall be repealed and annulled.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 18th, 1913. 48

[House Joint Resolution No. 48.]

JOINT RESOLUTION

Be it resolved by the General Assembly of the State of Ohio: That 1,000 copies in pamphlet form of H. B. No. 640 be printed, 800 for the use of the house and 200 for the use of the senate.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 11th, 1913. 49

[House Joint Resolution No. 49.]

JOINT RESOLUTION

Be it resolved by the General Assembly of the State of Ohio: That, when the senate and house of representatives adjourn on April 18th, 1913, it be to meet again on April 28th, 1913, at ten o'clock, a. m., and the 80th General Assembly adjourn sine die on April 28th, 1913, at six o'clock, p. m.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 11th, 1913. 50

[House Joint Resolution No. 46.]

JOINT RESOLUTION

WHEREAS, Owing to the flood of March and April, 1913, an emergency exists to aid the public authorities to secure funds to repair flood damage, therefore

Be it resolved by the General Assembly of the State of Ohio: That house bill No. 640 be enrolled in typewriting.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 11th, 1913. 51

[House Joint Resolution No. 52.]

JOINT RESOLUTION

Requesting return of H. B. No. 219.

Be it resolved by the General Assembly of the State of Ohio: That we request the governor to return to the house, H. B. No. 219. "To amend sections 4949, 4950, 4951, 4952, 4953, 4954, 4955, 4956, 4959, 4960, 4961, 4963, 4964, 4967, 4968, 4969, 4970, 4973, 4974, 4984, 4986, 4987, 4988 and 4989; to supplement sections 4952, 4969 and 4991 by the enactment of sections 4952-1, 4969-1 and 4991-1, and to repeal sections 4957, 4958, 4965 and 4966 of the General Code, relating to primary elections." for further consideration.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 14th, 1913. 52

[House Joint Resolution No. 47.]

JOINT RESOLUTION

WHEREAS, Owing to the flood of March and April, 1913, an emergency exists to aid the citizens to secure funds to repair flood damage, therefore

Be it resolved by the General Assembly of the State of Ohio: That house bill No. 650 be enrolled in typewriting.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 11th, 1913. 53

[House Joint Resolution No. 35.]

JOINT RESOLUTION

Proposing an amendment to sections 1, 2 and 18 of article III of the constitution of the state of Ohio, relative to the selection of governor and other state officers.

Be it resolved by the General Assembly of the State of Ohio: Three-fifths of the members elected to each house concurring therein:

SECTION 1. That, for the purpose of procuring a short ballot for state officers, there shall be submitted to the electors of this state, in the manner provided by law, on the first Tuesday after the first Monday in November, 1913, a proposal to amend sections 1, 2 and 18 of article III of the constitution to read as follows:

"Sec. 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state and an attorney general. The governor and lieutenant governor shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the places of voting for members of the general assembly.

"Sec. 2. The governor and lieutenant governor shall hold their offices for two years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

"Sec. 18. The governor shall appoint the secretary of state, auditor of state, treasurer of state and attorney general, and shall have authority to remove any of said officials so appointed. Every officer holding office by election when this amendment is adopted shall continue to hold such office for the full term for which he was elected and until his successor shall have been elected or appointed and has qualified as provided by law."

SECTION 2. At such election this amendment shall be placed on the official ballot in the manner prescribed by law as "ARTICLE III, SECTIONS 1, 2 and 18—THE SHORT BALLOT FOR STATE OFFICERS", or in other language sufficient to designate it clearly, and if a majority of the electors voting on the same shall adopt such amendment, sections 1, 2 and 18 hereinabove set forth shall on and after the

first day of January, 1914, become and constitute the sections so amended of article III of the constitution of the state of Ohio and said original sections 1, 2 and 18 shall be repealed and annulled.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 18th, 1913. 54

[House Joint Resolution No. 51.]

JOINT RESOLUTION

Relative to legislative manual.

Resolved by the General Assembly of the State of Ohio: That the clerk of the senate and the clerk of the house of representatives are hereby authorized and directed to prepare and have printed in book form, bound in cloth, twenty-five hundred copies of a legislative manual, one thousand copies for the use of the senate and fifteen hundred copies for the use of the house of representatives. Such clerks shall receive no extra compensation for their services in the preparation of such manual. The supervisor of public printing is authorized and directed to have the manual printed when copy for the same is furnished him by the clerks of the two houses. The manual shall contain the joint rules of the eightieth general assembly, the rules of the senate and the house of representatives, together with a list of the members and the standing committees of each house, all sections of statutes, state and federal, relating in any way to the powers and duties of the general assembly and such other matter as such clerks may deem appropriate for the information of the members.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted April 28th, 1913. 55

STATE OF OHIO,

OFFICE OF THE SECRETARY OF STATE.

I, CHAS. H. GRAVES, secretary of state of the state of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said state, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the eightieth general assembly of the state of Ohio, at its regular session, begun January 6, 1913, and ended April 28, 1913, and held in the city of Columbus.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 15th day of May, A. D. 1913.

CHAS. H. GRAVES,

(Seal) *Secretary of State.*

TIMES FOR HOLDING THE COURTS OF APPEALS AND COURTS OF COMMON PLEAS IN OHIO IN 1913.

Counties.	County Seats.	Appellate District.	Courts of Appeals.	District.	Sub-Division.	Courts of Common Pleas.
Adams	West Union	4	March 25, November 18	7	3	February 10, May 19, October 13.
Allen	Lima	3	March 18	3	1	January 6, April 28, September 22.
Ashland	Ashland	5	April 22, October 14	6	2	January 20, April 7, September 29.
Ashtabula	Jefferson	7	January 27, September 8	9	3	January 6, April 7, September 29.
Athens	Athens	4	January 14, October 7	7	1	February 3, May 5, November 10.
Auglaize	Wapakoneta	3	April 1	8	2	January 6, April 7, October 6.
Belmont	St. Clairsville	7	May 5, December 1	8	2	January 7, March 25, September 23.
Brown	Georgetown	4	April 1, November 20	5	1	January 6, April 7, September 29.
Butler	Hamilton	1	April 14, October 6	2	1	January 6, May 5, September 29.
Carroll	Carrollton	7	April 7, November 3	9	1	February 10, May 5, September 22.
Champaign	Urbana	2	April 21, November 17	2	2	January 6, May 5, October 6.
Clark	Springfield	2	May 19, December 8	2	2	January 6, May 5, October 6.
Clermont	Batavia	1	April 7, September 22	5	1	January 13, May 12, October 13.
Clinton	Wilmington	1	April 28, October 20	2	3	January 6, May 5, October 6.
Columbiana	Lisbon	7	March 24, October 27	9	1	January 20, April 21, September 15.
Coshocton	Coshocton	5	June 3, November 18	6	3	January 6, April 7, September 15.
Crawford	Bucyrus	3	January 21	10	2	January 27, May 19, October 13.
Cuyahoga	Cleveland	8	January 6, October 14	11	------	January 6, April 1, July 7, September 2.
Darke	Greenville	2	April 28, November 24	2	2	January 6, May 5, October 6
Defiance	Defiance	3	Fenruary 25	3	3	January 27, May 5, November 10.
Delaware	Delaware	5	May 27, November 25	6	1	January 6, April 7, September 15.
Erie	Sandusky	6	March 31, September 22	4	1	January 6, April 7, September 15.
Fairfield	Lancaster	5	April 15, September 16	7	2	January 6, April 21, October 27.
Fayette	Washington C. H.	2	May 12, Dec. 1	5	2	January 6, April 7, October 13.
Franklin	Columbus	2	January 6, September 22	5	3	January 6, April 14, September 15.
Fulton	Wauseon	6	May 19, November 3	3	3	January 13, June 16, October 6.
Gallia	Gallipolis	4	February 18, October 28	7	2	January 6, April 7, October 27.
Geauga	Chardon	7	February 5, September 17	9	3	January 6, April 7, September 15.
Greene	Xenia	2	March 31, October 27	2	3	January 6, May 5, October 6.
Guernsey	Cambridge	7	April 14, November 10	8	1	February 3, May 5, October 13.
Hamilton	Cincinnati	1	January 6, November 3	1	------	1st Monday January, April, July and October.
Hancock	Findlay	3	April 22	10	1	January 6, April 7, September 15.
Hardin	Kenton	3	January 28	10	1	February 10, May 12, October 27.
Harrison	Cadiz	7	April 28, November 24	8	3	January 6, March 10, September 2.
Henry	Napoleon	3	February 11	3	2	January 6, April 21, September 29.
Highland	Hillsboro	4	April 8, November 25	5	2	February 3, May 5, October 6.
Hocking	Logan	4	January 21, October 14	7	2	January 6, April 14, October 27.
Holmes	Millersburg	5	May 19, October 21	6	3	January 6, April 7, September 15.
Huron	Norwalk	6	April 7, September 29	4	1	January 13, April 14, September 22.
Jackson	Jackson	4	May 21, December 18	7	3	February 24, June 2, September 22.
Jefferson	Steubenville	7	May 19, December 15	8	3	January 6, April 7, September 8.
Knox	Mt. Vernon	5	April 1, October 7	6	1	February 10, May 5, November 3.
Lake	Painesville	7	February 3, September 15	9	3	January 27, May 5, October 13.

Lawrence	Ironton	4	February 25, November 5	7	3	February 17, June 2, October 6.
Licking	Newark	5	March 4, September 30	6	1	January 6, April 7, September 8.
Logan	Bellefontaine	3	February 4	10	3	January 3, May 5, October 13.
Lorain	Elyria	8	March 31, October 6	4	2	January 6, April 7, September 29.
Lucas	Toledo	6	January 2, November 10	4	3	January 6, April 7, September 15.
Madison	London	2	April 7, November 3	5	2	February 10, May 19, Oct. 27.
Mahoning	Youngstown	7	February 24, October 6	9	2	January 6, May 5, September 1.
Marion	Marion	3	January 14	10	2	January 27, May 19, October 13.
Medina	Medina	8	April 10, September 30	4	2	January 13, April 14, September 22.
Meigs	Pomeroy	4	February 11, October 23	7	2	February 3, May 12, September 29.
Mercer	Celina	3	April 8	3	1	February 10, May 12, November 10.
Miami	Troy	2	April 14, November 10	2	2	January 6, April 7, October 6.
Monroe	Woodsfield	7	April 22, November 18	7	1	January 7, April 1, October 7.
Montgomery	Dayton	2	May 26, December 15	2	3	January 6, April 7, October 6.
Morgan	McConnelsville	2	May 22, November 5	2	3	January 7, April 1, October 7.
Morrow	Mt. Gilead	5	June 10, December 2	6	2	February 10, April 21, October 29.
Muskingum	Zanesville	5	May 6, November 11	8	1	January 6, April 7, September 15.
Noble	Caldwell	7	April 21, November 17	8	1	January 6, April 7, September 15.
Ottawa	Port Clinton	6	April 21, October 13	4	1	February 17, May 5, November 10.
Paulding	Paulding	3	February 18	3	3	January 13, April 7, October 6.
Perry	New Lexington	5	April 29, October 28	7	1	January 6, April 7, October 6.
Pickaway	Circleville	4	April 15, December 2	5	2	January 6, April 7, October 6.
Pike	Waverly	4	May 13, December 16	7	3	March 24, June 30, November 10.
Portage	Ravenna	7	February 17, September 29	9	2	January 6, April 7, September 1.
Preble	Eaton	2	April 23, November 19	2	2	January 6, May 5, October 6.
Putnam	Ottawa	3	March 4	3	2	February 24, May 26, November 3.
Richland	Mansfield	5	January 7, September 2	6	2	January 6, April 7, September 15.
Ross	Chillicothe	4	April 29, December 9	5	2	January 6, April 7, October 13.
Sandusky	Fremont	6	April 14, October 6	4	1	January 6, April 7, September 15.
Scioto	Portsmouth	4	March 11, November 11	7	3	February 10, April 21, September 15.
Seneca	Tiffin	3	April 15	10	1	January 6, April 7, September 22.
Shelby	Sidney	2	April 9, November 5	3	1	January 6, April 7, October 20.
Stark	Canton	5	February 11, September 23	9	1	January 6, May 5, September 15.
Summit	Akron	8	March 17, September 17	4	2	January 6, April 7, September 22.
Trumbull	Warren	7	February 10, September 22	9	2	January 20, April 21, September 29.
Tuscarawas	New Philadelphia	5	June 17, December 9	8	3	January 6, April 7, September 15.
Union	Marysville	3	March 25	10	3	January 6, April 7, September 8.
Van Wert	Van Wert	3	March 11	3	3	January 20, May 5, November 10.
Vinton	McArthur	4	February 4, October 21	7	2	March 10, May 26, December 1.
Warren	Lebanon	1	May 1, October 23	2	3	January 13, April 7, October 6.
Washington	Marietta	4	January 7, September 30	7	1	January 13, April 28, October 27.
Wayne	Wooster	5	January 28, September 9	6	3	February 3, May 5, October 6.
Williams	Bryan	6	May 12, October 27	3	3	January 6, April 14, September 15.
Wood	Bowling Green	6	April 28, October 20	10	1	January 6, April 14, September 8.
Wyandot	Upper Sandusky	3	January 7	10	2	February 17, June 9, September 22.

The State of Ohio,
Office of the Secretary of State.

I, CHAS. H. GRAVES, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Courts of Appeals and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1913, taken from the official lists returned by the judges of said courts to this office.

Witness my hand and official seal, this fourteenth day of November, A. D. 1912.

[Seal.]

CHAS. H. GRAVES, Secretary of State.

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